

HOW·NI·KAN

PEOPLE OF THE FIRE



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Citizen Band Potawatomi Tribe

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Inside: Annual & Potawatomi Days Report

Young wins vice chairman bid

By Pat Barrett

Less than two hours after the polls closed on the 1988 tribal election Jim Young, candidate for vice chairman, and Bob Davis, unopposed incumbent secretary, were sworn into office and seated at the podium of the annual Shawnee Council.

Before announcing the election results, Election Committee Chairman Norman Kiker noted that election results were not announced until 11 p.m. last year. Chairman Barrett thanked the committee members, terming the early results a "semi-miracle."

Young, an Oklahoma City businessman, won the vice chairman spot over Dick Whitten, 393-201. The proposed budget to utilize interest monies on set-aside funds passed by a 512-88 margin.

Young, a newcomer to the Potawatomi political arena, thanked the tribal members in attendance, told them he was an honest man and would work hard on behalf of the tribe. "You might see me abstain from voting in the beginning," he explained, "because I'm not going to vote on issues I'm unfamiliar with."

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Potawatomi bishop to be ordained July 26

Rev. Charles Chaput, OFM Cap., and a member of the Prairie Band Potawatomi Tribe has been appointed bishop for the diocese of Rapid City, South Dakota.

Chaput will be officially ordained and installed as bishop during a ceremony scheduled to take place on July 26, at 11 a.m. at the Rushmore Plaza Civic Center.

Chaput, an articulate and vehement young man, carries strong ties to his native heritage. Chaput recently told *The Lakota Times*, "The worst thing we can do about racism is to pretend that it doesn't exist. Forty-five percent of the people in the diocese are of Lakota heritage and the Lakota culture has so many gifts to give the Catholic community. We must recognize the fact that the Lakota people had a strong prayer conviction prior to Christianity."

Chaput also believes self-determination within the church community is very important to the Native Americans and that they have the right and responsibility to express their culture within that community. The Catholic Native Americans have a commonality of having looked for and having found God. But to accept Jesus Christ doesn't mean they have to give up

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Bourjho Nikane,

While the Oklahoma Tax Commission continues to harangue and litigate tribally licensed enterprises here in Oklahoma, a nationwide anti-Indian movement is spreading like prairie fire from a spark. These last eight years with the Reagan administration have been tough on America's people and everyone is looking for a scapegoat. Whatever the issue - the Bradley bill to give back the Black Hills to the Lakota, the Chipewewa treaty fishing rights, tribally issued license plates or Indian "smoke shops" - the racist anti-treaty groups can make it front page news by declaring that Indians just aren't doing their share. And it stands to follow that if Indians won't do their share then they must be the reasons the states are losing money, non-Indian fishermen are losing fish and, heaven forbid, all of America might lose Mt. Rushmore!

What hogwash! The Lakota are asking for ownership rights to their ancient sacred grounds, not calling for an evacuation. The Indian owned and operated fisheries in this country contribute more to perpetration of fish species than the federal government. Licensing, permitting and taxing by tribal

governments is clearly within the purview of governmental operations - that's how municipal and state governments finance themselves! The statement that Oklahoma or the state of New York is "losing" millions of dollars by not being able to tax Indian sales is ludicrous. To say you are "losing" something implies that you used to have it. With very few exceptions, states have never had the right to tax tribal operations. That's why the founding fathers declared in the Constitution that Congress would regulate trade "with foreign nations and the Indian tribes."

On the other hand, we all carry a unique triple-citizenship status. We are Americans, we are Oklahomans or Californians or Texans or whatever, and we are Citizen Band Potawatomi. Despite our litigation with the state tax commission we are proud Oklahomans - after all, we were the first American citizens to move to what was then Indian Territory. We were the true pioneers!

Our tribal programs, enterprises and operations do as much business as feasible with the surrounding communities and Oklahoma owned and operated businesses. In the month of May

alone, the tribe spent more than \$8,400 with the Shawnee owned and operated Pratt's grocery chain. That is food purchased through WIC vouchers and by our enterprises.

In May we spent \$1,229 at Buford White's - a local hardware and lumber supply outlet. In May we spent \$1,100 with Demco Printing, \$2,600 with Oklahoma Roofing, over \$6,000 with Campbell Wholesale, over \$2,500 with Shawnee Bottling, \$3,900 with the Shawnee Computer Hospital, nearly \$2,000 with our two community newspapers and over \$1,200 with Wills Concrete of Shawnee. The list goes on and on, but they're all Oklahoma businesses and, for the most part, local. We care about what happens to our state and our community. Our May payroll at the tribe was in excess of \$50,000, not counting our summer youth workers, and that is money that stayed right here in our community!

The Oklahoma Tax Commission and anti-treaty network are perpetrating a smear against the Indian people and we're darn sick of it! We're not the reason this state's economy is in trouble. Ask any oilman, farmer, teacher or businessman. Our economic problems stem from actions by companies like Sun Oil negotiating for the sale of part interest in its operations to Nigeria, or the

Coastal Corporation, (which includes the Derby chain of service stations and refineries) currently negotiating with Kuwait for the sale of its refinery and marketing assets. Things are so out of hand that the Atlantic-Richfield Pipeline to Gulf coast refineries has been reversed and now carries crude oil from the Gulf up to major Oklahoma refineries. The result has been a drop in the price of Oklahoma crude oil of over \$2 a barrel in the last 120 days.

When we opened the Potawatomi Tribal Store in July, 1984 we carried Citgo gasoline. When Citgo sold half their refineries and service stations to the Venezuelans, we began carrying Texaco gasoline to keep our dollars within the state. Now Texaco has sold fifty percent of their refineries and service stations and branded outlets (including our tribal store) to the Saudi Arabians - and within the next few days we will negotiate to carry Oklahoma owned and produced Kerr McGee gasoline. In the last 12 months we purchased more than 977,000 gallons of gasoline. Not only are we being victimized by foreign oil as a nation, a state and a tribe, but the very national security of the United States is threatened by this sell-out of Oklahoma refining capacity. If our legislators and Corporation Commission were the least bit concerned about saving our economy they'd be taxing petroleum products made from foreign oil.

President Reagan is spending \$6 million a day to protect OPEC oil exports to the absolute destruction of the Oklahoma oil industry. But when it comes to the Potawatomi dollar we guarantee it's going to stay right here in Oklahoma.

John Barrett

One Opinion

Interior says no; but why?

By Pat Barrett

The Department of Interior has issued its "final department decision" on the Potawatomi request for a secretarial election to change enrollment requirements: "No."

In a letter dated June 27, Interior Deputy Hazel Elbert, said, "To indiscriminately open membership to persons possessing minute degrees of blood with remote expectations of participating in tribal relations and affairs would dissolve the intent of Congress..." in recognizing Indians as an entity.

In a seemingly contradictory argument, Elbert states, "The proposal would change the requirements for membership from those which would evidence some continuing relationship with the tribe or other tribal members to requirements which would evidence only descendancy." She then goes on to quote Felix Cohen's Federal Indian Law, 1982, which states in part: "In dealing with Indians, the federal government is dealing with members or descendants of political entities, that is, Indian tribes... Tribal membership as determined by the Indian tribe or community itself is often an essential element."

Elbert then goes on to state, "While it is true that the membership in an

Indian tribe is for the tribe to decide, that principle is dependent on and subordinate to the more basic principle that membership in an Indian tribe is a bilateral, political relationship. A tribe does not have authority under the guise of determining its own membership to include as members persons who are not maintaining some meaningful political relationship with the tribal government."

While attorneys in Washington are determining the best course of action for the tribe to take now, there are several questions tribal members might ponder:

(1) Do tribes have the right to determine their own membership or don't they?

(2) If people who might become enrolled if a secretarial election passed were children of people now on the roll why would their tribal involvement be "less meaningful" than their parents?

(3) How can a members of a tribe that has signed 41 treaties with the United States government not be considered to have an ongoing political relationship?

(4) Who the hell are these Indians who are apparently maintaining "some meaningful political relationship with the(ir) tribal government"? There are over 100,000 Navajos. How many do you think have ever sat through a meeting of their governing board's?

(5) More on the problem of "meaningful political relationship": If I don't vote in the presidential election am I disqualified from being an American?

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POTAWATOMI SCRAPBOOK

The following contribution to modern Potawatomi vocabulary was donated by ShupShe, (Howard La Hurreau), Fort Wayne, Indiana. Words are spelled phonetically for easier pronunciation.

Mammals

Bear—Maw-kwa
Beaver—Au-mick
Buffalo—Mash-ko-de-pi-ji-ki
Cat—Min-ons
Deer—Maw-mawsh-kay-she
Albino Sacred White Deer—Non-i-to-esh-waw-be-waw-mawsh-kay-she
Mother Deer—Ki min-ge suc-see
Her Fawn—O-kit-a-ga-kons
The fawn's—Kit-agaw-kons
Dog—O-nawm/an-i-mosh
Puppy dog—Au-ni-mouns au-ni-moosh
His paw—Waw-na-sia
Your Dog—Ki an-i-mos
Elk—Me-shay-wog
Fox—Wau-go-osh
Furs—Be-waw-ig
Lynx—Pe-zhen
Mink—Jang-we-she/Shaw-guay-she
Moose—Mooz
Deer Mouse—Wawa-bigon odji
Muskrat—Wa-jask
Panther—Me-she-be-she
Porcupine Quills—Ko-go-bi-we
Rabbit—Maw-boos
Raccoon—A-se-pan
Young Raccoon—Es-si-kan
Skunk—She-gog
Squirrels—Au-saw-naw-gog
Flying Squirrels—Ja-gash-an-dawe
Weasel—She-gos-see
Wolf—Maw-in-gwan-og
That wolf—Tchi maw-in-gawm
Wolf Dog—Maw-in-gawn au-ni-moosh

Reptiles, Amphibia, Insects

Bees/Wasps—Amog
Bumblebees—Au-mon-og
Honey—Si-sib-a-kwat
Honey comb—Amo-si-sib-a-kwat
Butterfly—Ne-ma-ma-gwan
Dragonfly—A-bod-ash-kwa'-ne-shi'
Flea—Paw-big
Fish—Gi-go
Frogs—O-ma-ka-kig
The Snake—Gin-big
Rattlesnakes—Jin-awe
Great Big Snakes—Mi-chi-gin-e-big
Big Snapping Turtle—Mi-shi-mi-ki-nack

Birds and related terms

Birds—Pe-nay-shen-og/Pe-nay-shen-wog/Be-nesh-i/Ben-ish-ig
The Bird—Bin-es-si
Young Birds—Pan-ad-gag
Bobolink—Me-no-ma
Crows—An-dek
Duck—She-shep
Ducks—She-shep-og
Eagle—Mi-gi-si
Eagle Feathers—Mi-gi-si Mi-gwan-og
Hawk—Ke-kek
Hawks—Keh-kek-og
Night Hawks—Tib-ik-gib-wa-se

Phonetic Dictionary

Old Hens—Ki-tchi pa-ka-ak-weg
Blue Jays—Chin-dees
Lark—Kiki-biko-meshi
Nestling—Pe-nar-ja
The nest—Waw-sis-swan
Their Nests—O-was-is-swan'
Osprey—Mi-tchi-sib-wan/kek-kek
Owl—Ko-ko-ko
Owls—Ko-ko-kog
Partridge—Bi-ne
Partridges—Pe-na-wog
Good pigeons—Me-no o-me-me-og
Wild pigeons—O-me-me-og
Young pigeon—O-me-me
Ravens—Ka-gi-gi
Robin—Au-pe-tchi
Swallows—Jash-wan-i-bi-si
Swan—Wa-bi-si/Wob-isi
Turkeys—She-shep-og
Vultures—Win-an-geg
Woodpecker—Paw-kwe-a-moo

Plants

Beechnuts—Aj-a-we-min
Beech woods—Aj-a-we-min mit-tig
Berries—Nis-sim-in-og
Birch Bark—Wi-gwss-si
Blackberry briar bushes—Wau kau-tay-mis-kou-min-og
Brush—Ki-bins
Buds—Oni mikog
Corn cakes—Mand-a-min
Corn—Me-daw-min
Elm Bark—Anibi-wanak
Tall Ferns—Anag-an-ask
Flags (Iris)—Ke-ki-we-on
Wild Flowers—Waw-bi-gon-og
Grass—Mash-kos-su
Sweet Grass—Mash-kos-o/wish-co-bad
Hemlock—Ka-gag-i-wang
Hemlock woods—Ka-gag-i-wanj-kig
Hickory—Mit-i-gwa-bak
Water Lillies—Na-ba-gashk
White Lillies—Wabi na-ba-gask
Maple tre—In-in-atig
Maple syrup—Gi-wa-ga-mis-i-gan
Wild Rice—Man-n-min
Rushes—An-ak an-ashk
Tobacco—Os-se-maw
Tree Top—Wa-nak'-ong
Witchhazel shrubs—Pa-gan-i-mig
The woods—Mit-ig/mit-a-gog
The dark woods—Maw-kaw-te mit-i-gag

Colors

Red—Mis-kwa
Green—o-zhaw-wash-kwa
Blue—we-bing-uaw

The Natural World

Autumn—Taw-kwa-kwo-pe
Cloud—A-nack-wad
The day—Ke-zhe-gut
Dive—Go-gi

He Drowned Himself—Nis-sa-bawe
Eclipse—Ni-bo
Fire—Ish-ko'-te
A Huge Fireplace—Mi-chi bo-daw-wan
Firewater—Awsh-kon-day-ne-besh
Flood—Ni-ki-bi-win
Heaven—Waw-kwi
Ice—Mik-wam
The Lake—Sa-ga-i-gan
Meteors—Tchin-gwan-og
Midnight—A-bit-a-tib-i-kad
The Moon and Stars by night—Te-bi-ke-sus au-nong-wog
The first full moon—To-bik-ke-zes
A stormy Night—Ne-tchi-wad to-be-kut
Rainbow—Nag-we-i-ab
River—Se-bin
I saw you at the river yesterday—Ne-ge-wob ke-waw-waw pe-tchi-maw-go se-be
Near the river's shore—A-gam-ing se-be
The great river—Mi-che-se-pe
The high seas—Kitch-i-gam-og
I sink—Nin-go's-a-bi
Sky—Gi-jig
Snow—Sag-i-po
Snow in the sunshine—A-gon gi-si-win
Springtime—Se-bin
A frozen stream—Sebin mash-kaw-ag
Sun—Gi-siss/Ke-sus
The Mighty Sun—Mi-chi kis-sis
The Sun by day—Kesus ke-she-gut
With the sun tomorrow morning—Gi-gi ke-sus wan-bung
Swamp—Mash-kig
Swim—Bim-a-da-ga
Swim across—Bim-a-da-ga a-jaw-acona
Thunder—An-a-mik-ke
Water—Ni-bish
Waves—Ti-kow
Whiskey—Ish-kot-e-wa-bo
Winter—Bi-boon
Winds—No-din

The Body

Arms—On-i-kag
Breast—Te-toah
Cheeks—On-o-wa-mag
Elbows—Bim-in-ik-og
Eyes—Osh-kin-jig-o-mag
Hair—Wi-nis-is-si-mag
Hand—O-nind-ji-maw
Heart—O-daw
Jaw—O-daw-me-coa
Her arms—Oni-ka-mag
Her breast—O-ka-ki-gan
Her eyebrows—O-maw-mawn
Her face—Nish-kin-ma
Her Heart—Nin-o-daw
Her shoulders—Odi-niman-gam
Her throat—Ok-we-gan

Her voice—Bi-ba-giwin
His right arm—Nin ki-tchi-nik
His eyes—Ki mish-ke-si-kan
His forehead—Ni-kat-i-gwan
His hand—O-rindg
His head—Kish-ti-gwan
His hips—On-no-gan
His mouth—O-don
His tongue—Nin-o-daw-naw
My back—Nin-pik-wsn
My breast—Nin ki-gan
My eyes—Nish-kin-jig
My face—Nish-kin-nig
My feet—Ni-si-don
Your breast—Ki kaki-gan
Your face—Kish-kin-jig
Your hearts—Kin o-daw
Their own blood—Mis-kwi
Their ears—O-to-og
Their hands—On-ina-gi-naw-og
Their teeth—Wi-big-og
Our Lips—Mim o-don
Hand-in-hand—On-imd-ji-ma on-ind-ji-ma

Miscellaneous

Alas—Ni-aw
Beautiful—Kwaw-notch
But one—Pa-zhig
Come, get up—A-bin-dis nit-a-am
Come in—Pin-di-gayn
Come out here—Pes-saw-gon
Do go away—Do-dam maw-tchawn
Go away—Mauch-on
Go back—I-ja-pik-wan
Good—Me-no
Good-bye—Me-no tchi-ki
Good luck—Pa-pe-we-win
Hark! Hark!—Pe-naw! Pe-naw!
How do you do?—Tanni, ki dodam? or Boo-shoo
How do you do, my friends?—Boo zhoo-nic-con-og?
I am thirsty—Nin mi-bog-we
I can remember—Nin gash-kiton mi-kwen-dass
I do not—Kaw-win
Is it possible?—Au-to-yaw?
It is surely so—Ka-ge-ta maw-got
Keep away—Mis-so-ke pa-wa
Keep still—Mi-no-ak
Keep still and listen—Mim-o-tam, pe-naw
Listen to me—Pen-sen-do do-we-shim'
Lo, and behold—Naw! dash nash-ke!
Look!—E-nau-bin!
No—Kaw
Oh—Io
Oh no—Yaw-kaw/Io, kaw
Surely—Gawi-ak
Thanks—Ne-gwatch
Tomorrow—Wa-bang
Truly so—Ka-ge-te
Well, Well!—Ek-waw, ek-waw!
Well, yes—Ma-no, Ae
What—Au-nish
What do you see?—Waw ki-wab?
What have you done?—Waw mind aian api-ne?
What place?—Wa-a-bi-nas
Where—Au-ne-zhaw?
Where have you been?—Tamo-ka ai-aw kin
Whoa—Paw-kaw
Who are thou?—We-i-ki?
Yes—Ae
Yes, certainly—Ae, man-ge-ka

Minutes of the 1988 Council in Shawnee

Chairman John Barrett called the Annual Shawnee Council meeting to order at 7 a.m. on June 25, 1988 with Secretary Bob Davis, Councilmen Francis Levier and Hilton Melot and the 1988 Election Committee present. The meeting was immediately recessed for voting.

Chairman Barrett reconvened the meeting at 3:10 p.m. and Father Joseph Murphy gave the benediction.

Chairman Barrett introduced tribal staff present at the meeting and various presenters and guests. An on-site hands poll revealed that the majority of people in attendance were out-of-town members who had previously attended various Regional Councils.

Chairman Barrett honored Mary Long, 83 years old, "as the smartest Potawatomi in the room" in keeping with the tradition that the older you get the smarter you get. Mr. Bud Peltier of Portland, Oregon, and uncle of the chairman, was honored for traveling the farthest to attend the council.

Secretary Bob Davis read the minutes of the 1987 Shawnee Council. Sheila Hall requested the minutes be amended to include the following: "In the 1986 General Council, I requested a list of the voters in the previous five elections. In 1987, I corrected the minutes to reflect this. I did not ask for a list of the registered voters. I asked for a list of those members who voted in the previous five elections. I have not received this information. I still request the information." A motion and second from the floor to accept the minutes as amended was made. Minutes approved unanimously.

At 3:35 p.m. tribal members witnessed what Chairman Barrett labeled a "semi-miracle" as the Election Committee approached the podium with the election and referendum results. Results were as follows:

Bob Davis was unopposed in his re-election bid for secretary-treasurer and was elected;

Jim Louis Young was elected vice chairman over Richard Whitten by a total of 393 to 201. Young received 313 absentee votes and 80 live votes, while Whitten received 178 absentee votes and 23 live. The proposed set-aside budget was approved by a 512 to 88 vote. 437 absentee voters and 75 live voted for the budget, while 59 absentee and 29 live voters voted against the budget.

Bob Davis and Jim Young were sworn into office by Potawatomi Supreme Court Chief Justice Bill Rice. Young, as a newcomer to the Business Committee, was seated on the podium and told the audience he appreciated their support although he was disappointed in the total lack of turnout in the election. Young also stated he was liable to be abstaining on committee votes until he was familiar with tribal issues.

Chairman Barrett presented the annual report to the tribe which will be printed in the *HowNiKan*, and noted that over the last year the tribe had examined 23 possible acquisitions but none had yet met "the conservative criteria established by the Business Committee." On a positive scale, the chairman noted the publication of the Sacred Heart book by Father Murphy and joint efforts to preserve the Sacred Heart grounds, the tribe's acquiring a Pendleton dealership, expansion of nearly every single service program despite federal funding cutbacks, the *HowNiKan*'s national awards, several victorious court decisions in litigation with the Oklahoma Tax Commission and Enterprise Management Consultants, Inc., public restrooms at the Tribal Store, the hiring of a new pro at Firelake and the hiring of tribal member J.P. Motley to oversee tribal enterprises.

Commenting on the election turnout, Chairman Barrett noted that only about 7 percent of the tribe had voted and that "for a referendum system to be viable we need more participation."

Chairman Barrett gave an update on the descendancy enrollment issue, noting that Secretary Ross Swimmer had refused to call an election to let tribal members decide enrollment criteria. The tribe has a Washington, D.C. lawfirm investigating whether to file a writ to force Interior to call the election or to go Congressional with the issue as 14 other tribes have done.

Chairman Barrett reported that the five tribes of the Shawnee BIA Agency had agreed to contract all BIA services and would be meeting with Area Agency personnel to work out the details of the tribes operating their own programs currently operated by the Bureau.

The Chairman gave a report on joint-projects the tribe was involved in with other governmental entities. A loan for renovations to Mission Hill, the county hospital, has been guaranteed by the tribe and tribal road funds may be pledged with county funds to qualify for federal roads money.

Tribal attorney Mike Minnis presented the annual attorney's report to the Council which will be run in the *HowNiKan*.

John Arledge presented the annual audit which had previously run in the *HowNiKan*. He noted that the full audit report was more than 100 pages. "The tribe," said Arledge, "is a very large operation comprised of more than \$9.5 million in assets and \$6 million in annual revenue." Arledge also noted that our audit had been submitted to the Government Finance Officers Association to see if we qualify for a certificate of achievement. According to Arledge, very few municipalities apply because of the stringent requirements. Only five municipalities and one Indian tribe have received it in Oklahoma.

Liz Brady questioned Arledge from the floor on the cost of the *HowNiKan* and the Regional Councils. Chairman Barrett responded that the accounting of the paper and councils would appear in the July *HowNiKan*. Arledge added, "With a \$6.5 million enterprise we have to be careful on recording detail or we would

have a 1,000-page report."

Brady then asked why local tribal members weren't invited to attend Regional Councils and why couldn't the tribe "fly some of us poor little tribal members" to the councils. Chairman Barrett noted that the reason the Business Committee traveled was because they were the elected officials and the idea of flying tribal members around the country at the tribe's expense was absurd.

Secretary Bob Davis noted that at every Regional Council they asked the membership as to whether they wanted the tribe to pay for their council and the overwhelming response was yes because that was the only tribal contact out-of-town members have. Davis also noted that scholarship and prosthetics foundation participation has increased ten-fold because of tribal members becoming educated at Regional Councils as to what is available to them.

A member of the audience asked whether they needed a court order to see the full audit or not and the chairman responded the records were open and tribal members could contact the secretary as to when they would like to go over them.

Chairman Barrett read a letter from traditional spiritual counselor Don Perrot beseeching tribal members to assist him in his current situation. Extensive coverage of Perrot's detainment in Ventura, California has appeared in the *HowNiKan*. The Chairman noted that, in his opinion, Perrot had done a lot for the Citizen Band and was now getting "a bum rap." Tribal member Jerry Lewis also addressed the issue, saying, "for many years Don paid his own way to visit all our bands, inter-acting like all of us should be." Lewis noted the Perrot letter did not go far enough in explaining Perrot's attempts to bring the Potawatomi people together, noting, "he has dedicated his life to it."

Tribal member Dan LaClair noted that the charges would be dropped against Perrot in exchange for \$37,000 "legal extortion" money to the complainant. Barrett asked the members to donate to Perrot's defense and noted, "If he goes to trial in Peabody, Kansas you can be assured it will not be in front of a jury of his peers."

Tribal member Robert McKinney asked for tribal intervention in his regaining custody of his children currently in custody of the state DHS and living in Alabama with their maternal grandparents. Chairman Barrett said Mr. McKinney should petition the tribal court to intercede on his behalf with the state authorities and noted that the court is a separate arm of the government than the Business Committee. Barrett promised to speak with the tribe's Indian Child Welfare worker and instruct her to do everything she can for the McKinney children.

Tribal members asked why the eternal flame wasn't burning at council and Barrett noted the gas lines were damaged but perhaps an enclosed flame could be constructed.

Other tribal member concerns were:

(a) The tribe should build a memorial with the names of all deceased tribal members on it. It could be funded by private donations or with tribal funds if approved by referendum.

(b) Why isn't the tribal flag flying at the complex? Because we have changed our name to Citizen Band Potawatomi Tribe and dropped the phrase "of Oklahoma." New flags have not been made yet.

(c) The tribe should have provided activities for children during council. Barrett stated that next year activities might be implemented in the new museum wing.

(d) In response to Liz Brady's request for the tribe to pay her way to Regional councils, a tribal member from Houston noted, "I paid for my trip and I want to thank you for a wonderful weekend."

(e) Several tribal members voiced the opinion that the council should march down to the bingo hall and take control. Barrett assured them the tribe will eventually regain control.

(f) On the question of interpreting "people of the place of the fire," several people offered differing opinions. Barrett said many historians believed the Potawatomi kept the council fire when the three fire confederacy of Chippewa, Ottawa and Potawatomi separated. Francis Levier said the "fire" represented the religion and culture of the traditional Potawatomis and we were meant to preserve it. Jerry Lewis agreed, stating, "Other people are waiting for us to do the job. It's coming back to us, the Chippewa and the Ottawa. It's starting in this room. The Potawatomis must bring the fire back for us all to be together."

(g) B.J. Rowe, museum and trading post director, told the council the museum had \$3,303 in sales that day and thanked everyone for their support.

(h) A member of the audience queried why there were never dissenting votes at Business Committee. Barrett answered that the Business Committee worked together, negotiated and compromised until they reached an agreement everyone could live with. "There's no sense," he said, "in three members cramming something down the other two's throats." Secretary Davis pointed out that it had taken five Business Committee meetings to negotiate the plan, cost and construction schedule for the public facilities at the tribal store.

(i) A member of the audience questioned the resolution adopted by the committee outlawing the sales of firearms at the swap meet. Barrett noted there had been too many incidents of people driving up, taking off their license plate and selling guns under a blanket. Sales could still be made if a dealer complied with federal firearm regulations.

Chairman Barrett adjourned the 1988 Shawnee Council meeting at 6:10 p.m. upon unanimous motion from the floor.

Movie Script Being Finalized

Campaign Mounted To Free Don Perrot

By Pat Sulcer Barrett

While determined supporters of jailed Potawatomi spiritual leader Don Perrot launch a letter and telegram campaign to free him, a Canadian film company is finalizing a script for a movie they hope he will star in.

Perrote has been jailed in Ventura, California since April 8 on a fugitive warrant from Kansas charging aggravated assault.

Facts concerning Perrot's detainment are fuzzy, although they apparently stem from charges made by David Kinney, a former Kansas roommate of Perrot's. Kinney was allegedly beat up on March 16, 1987. According to Perrot, the altercation was between Kinney and a stranger at a truckstop. Shortly after the incident, Perrot was committed to a speaking engagement in Phoenix, Arizona. Before leaving the state, however, he checked with the Kansas authorities to see whether or not he would be need as a material witness in any litigation that might arise from the incident. He was told by his attorney he was free to leave the state of Kansas.

Perrot later went on to California where he stayed for a time with a deputy in the Ventura, California Sheriff's Department. It was the deputy who informed Perrot on April 7, 1988 that the FBI was looking for him and he was considered "armed and dangerous." Perrot immediately surrendered himself to the deputy to avoid any possible confrontation with the FBI.

Initially no bail was set for Perrot, pending extradition to Kansas. But when federal marshalls failed to show up to escort him back to Kansas, Perrot's bail was set at \$50,000.

Supporters of Perrot have told the *HowNiKan* that Patrick Kinney, a Wisconsin lawyer and father of the young man who was beaten up, is behind the charges against Perrot. The elder Kinney, supporters charge, is angry over \$3,200 his son paid to Perrot for training in traditional herbology.

Because the charges were apparently filed through the Marion County, Kansas county attorney's office, Perrot supporters have launched a telegram and letter writing campaign to both the county attorney and Kansas Attorney General's office. According to Perrot supporters, Patrick Kinney has agreed to drop charges against Perrot in exchange for a \$35,000 settlement, an offer they label "legal extortion," noting that even if convicted Perrot would only get "30 days for a first time offense and he has already served 90."

Prior to his arrest, Perrot had been working as a technical advisor under the direction of *Miami Vice* producer Brian Frankish on a

An Open Letter To The Citizen Band

(The following letter, submitted to the Business Committee, was read at the 1988 Shawnee Council meeting)

Dear Sirs:

I want to take some time to communicate with you directly as a fellow Potawatomi human being. It is my hope you will all take the time to read this open letter to you as it comes from my heart to yours. I pray for a good understanding as you read these few sentences.

In the past, I have been of service to the Citizen Band Potawatomi Tribe out of a love given to me by the 'God of Love' whose child I am. Yes, you paid me for these services but nothing close to what my true worth is in terms of my experience as a Spiritual Leader. I reached out a hand of fellowship to you people in direct opposition to the way some of the Prairie Band elders felt. As you may know, there has been some enmity between our bands and not only ours, but other bands as well. I was the first medicine man to take an active interest in the cultural pursuits of your people in as much as language and history are concerned. I suffered no small ostracism from various Prairie Band members for my act of love and kindness toward you and yours. I was even willing to part with various traditional articles for your museum collection at a considerable loss to myself monetarily. I'm only beginning to find out the true value of those pieces but that is neither here nor there.

The fact is, I am in trouble now and am in need of help. It is my understanding you all plan to hold a meeting on June 25th of this year and I would appreciate it if you would advise tribal members of this letter and its intended expression. I adopted you people and appeal to you as a people enjoined together not by band but by blood to show your support to me at this time.

Other tribes have sent letters of support, financial gifts from individual members and their prayers. I fully realize you cannot spend monies from tribal funds but what about your selves as individuals?



Don Perrot

At this writing, my wife is 6 months pregnant and has been diagnosed as anemic by a doctor. I am worried about her health and the baby. We have a whopping phone bill and legal fees from carrying out the fight against these bogus charges people have filed on me. The God I serve has advised me to appeal to the Indian people for help. With the number of Indian people among us if each one would donate even a \$20 bill there would be more than enough.

The Hopi Tribe has agreed to look into my case and send help. I commend them for this. My own band has not offered to help me as some of them are still desirous of slapping my wrists for making an alliance with you and other bands.

In the past, Indians helped each other and forgot their differences as they recognized their common problems. Spiritually, I am a Holy Ghost-filled Christian but I am still a Potawatomi who needs the help of my people whom I love. I am writing to you because I have no other people but you now. If I could, I would resign from my own band and enroll as a Citizen Band Potawatomi. I know what it fees like to be cast aside from their presence but God is their judge, not me!

Thank you for taking the time to read this letter and may God bless you for any help you may send to my wife and I.

*Respectfully written,
Don A. Perrot, Marisa Perrot*

western film starring Sean Connery. The movie is about an aged medicine man in a government concentration camp in the early removal days. The medicine man's last request is to be allowed to return to his reservation to die among his own people. The request is granted but he is put in the charge of Sean Connery, who plays an "Injun' hating" calvary officer. The movie details how the two men grudgingly come to respect each other during the medicine man's last trek to the reservation.

That movie has been put on hold by the writers' strike but is expected

to resume production later.

At the end of June, Perrot was offered the lead role in a Canadian film based on an 1896 book called *Charcoal's World*. The story takes place on the Blood Indian Reservation at the turn of the century and concerns a "renegade medicine man hunted by Canadian Mounties." Perrot has not yet accepted the role, pending script approval. "I won't be involved with an Indian exploitation movie," he told the *HowNiKan*. "But I feel sure these are people I can work with because they are concerned about traditional authenticity."

An appeal from Perrot for financial assistance with his mounting legal bills was read at the June 25 Shawnee Council. Any tribal members interested in contributing funds may send them directly to Don's wife, Marisa Perrot, at 154 N. Olive #18, Ventura, Ca. 93001.

Tribal members wishing to send a letter of protest against Perrot's imprisonment may send them to the Kansas Attorney General in Topeka, Kansas 66612 and the Marion County Attorney, Ed Wheeler, Marion, Kansas 66861.

TRIBAL TRACTS

What is the cost of an informed tribe? Questions on HowNiKan and regional council costs answered

Tribal member Liz Brady raised the issues of Regional Council and *HowNiKan* expenditures at the 1988 Shawnee Council. The following is in response to her questions on how much money these services cost.

Printing costs for the *HowNiKan* vary according to how many pages and how many photos appear in an issue. In the last year our third class postage rate was increased by the postal service also. Over 9,000 issues of the paper are distributed to tribal members monthly.

For this fiscal year (beginning October 1, 1987) *HowNiKan* expenses are as follows:

10/87 - printing, \$1175; postage, \$1062.32 = \$2237.32

12/87 - printing, \$1195; postage, \$1062.32 = \$2257.32

1/88 - printing, \$1053; postage, \$1062.32 = \$2115.32

2/88 - printing, \$939; postage, \$1062.32 = \$2001.32

3/88 - printing, \$943; postage, \$1400.63 = \$2343.63

4/88 - printing, \$1215; postage, \$1400.63 = \$2615.63

5/88 - printing, \$1697.24; postage, \$1400.63 = \$3097.87

6/88 - printing, \$1697.24; postage, \$1400.63 = \$3097.87

Donations to *HowNiKan* - \$672.50

(Federal confidentiality laws prohibit us from running the salary of the public information director who also handles *HowNiKan* production. It is, however, \$700 a year less than Ms. Brady made when she worked for the tribe in 1984.)

Regional Council costs also vary greatly according to how many people attend, how many tribal representatives are traveling, air fare, etc. Regional Councils during the last year were attended by the four Business Committee representatives, the museum and tribal roll directors and, occasionally, a guest speaker such as Dr. David Edmunds. Tribal representatives are given \$50 a day to cover their food and miscellaneous expenses and the majority of the trips

constitute in-one-day and out-the-next trips. Trips are paid for out of the tribe's "general account" which includes proceeds from tribal enterprises and income from collection of tribal taxes. The following totals include air fare, per diems, rooms for tribal representatives and the Regional Council meal: Tulsa, \$3979; Denver, \$4623.35; Portland, \$4961.91; Dallas, \$4651; Scottsdale, \$6246.93; San Jose, \$9730.71; Long Beach, \$8180.85; Houston, \$6378; Kansas City, \$5263.81.

Tribal reps met with more than 1700 people at the Regional Councils listed above.

Potawatomi Days tourney winners listed for golf, horseshoes

The all-Indian golf and horseshoe tournaments held during Potawatomi Days were an unqualified success and a good time for participants and spectators alike.

Fifteen people entered the horseshoe singles tournament with Sam Billy, Chairman John "Rocky" Barrett and Craig Anderson taking first, second and third respectively. Six doubles teams went to the wire with Mike Tsoaddie and Mike Johnson taking top honors. Sam Billy and an unidentified partner took second and Andy Bradford and Emery Bradford took home the third place trophy.

More than 85 golfers participated in the Friday Firelake Scramble - with 15 under par taking first and 11 under tying for second!

Tourney results from the two day event hosted by the Firelake Indian Golf Association (and ably managed by Truman Kaskuske) are as follows:

Championship Flight

1st - Bill Padocony

2nd - Vincent Knight

3rd - Herb Fire

4th - Roman Johnson

"A" Flight

1st - Cecil Tiger

2nd - Bob Curtis, Jr.

3rd - Clifford Birdshead

4th - Leroy Downs

"B" Flight

1st - Vernon Nanaeto

2nd - Frank Wahpepah

3rd - Gary Oberly

4th - Randy Porter

"C" Flight

1st - George Dick

2nd - Walt Plumage

3rd - Tommy Joe

4th - Leroy Downs

Ladies First Flight

1st - Nora Birdshead

2nd - Debbie Pletcher

Ladies 2nd Flight

1st - Shirley Parton

2nd - Emma Carny

Herb Fire took longest drive honors, while John Chakenatho won the 50/50 pot. Bryon Mills, Bill McCracken, James Sun Eagle and T.C. Chibitty all won golf bags for closest to the pin honors.

Citizen Band Summer Youth Program serves youths from 30 tribes

The Citizen Band Potawatomi Tribe's Summer Youth Program is serving young people from thirty tribes this year, including:

Citizen band Potawatomi - 14

Creek - 14

Seminole/Creek - 13

Seminole - 9

Choctaw - 6

Prairie Band Potawatomi - 5

Kickapoo Kansas - 4

Seminole/Blackfeet - 3

Kiowa - 3

Otoe/Missouri - 3

Cheyenne/Arapaho - 3

Chickasaw/Choctaw - 7

Cherokee - 2

Kiowa/Sac & Fox - 1

Pawnee/Iowa - 1

Pawnee - 1

Mississippi Choctaw - 1

Comanche - 1

Continued, Next Page

Walking on

Ozetta Izora (Bourassa) Peltier

Ozetta Izora (Bourassa) Peltier passed away June 23 at the age of 94.

Mrs. Peltier was a true Potawatomi matriarch survived by five children, twenty-four grandchildren, 50 great-grandchildren and 27 great-great-grandchildren. She was preceded in death by seven children.

Ozetta Peltier was a descendant of numerous Bourassas who served as representatives of the Potawatomi Tribe all the way back to the Great Lakes era. Her husband, Oliver Albert Peltier, was a tribal representative who served as the first Shawnee Agency policeman. Two of her sons, Raymond and Gerald, were elected chairmen of the Business Committee and another son, Kenneth, served as tribal secretary. Ozetta's grandson, Norman Kiker,



Mrs. Peltier

served as vice chairman of the Business Committee and was one of the first directors of the tribe's CHR

(community health representative) Program. Another of Ozetta's grandchildren, John "Rocky" Barrett, is the current chairman of the Citizen Band.

Mrs. Peltier was born Feb. 18, 1894, in Miami Oklahoma to Daniel J. and Ollie Bourassa. She moved as a child to Shawnee where she attended business school. She married Oliver Peltier in 1911. He died in 1959.

Ozetta was an avid gardener and participated in pow wow activities. She was a member of St. Benedict's Catholic Church in Shawnee. Mass of the Christian Burial was conducted June 27 at St. Benedict's and burial was in Tecumseh Mission Cemetery across from the tribal complex.

Warren Charles (Dugan) Nichol

Warren Charles Nichol, 64, died June 23, 1988 in San Mateo, Ca. home.

A native of Devil's Lake, N. Dakota, Mr. Nichol lived in California for 49 years; 38 at San Mateo. He was an estimator with Lockheed Missiles and Space Co. in Sunnyvale, Ca. from 1962 until 1985 when he retired.

He worked for the Southern Pacific Railroad from 1947 until 1960, followed by two years as an electrician at Hunter's Point Naval Ship Yard in San Francisco.

He is survived by his wife of over 40 years, Joanna, his daughter, Carol M. Carreon and granddaughter Miranda of San Mateo.

Other survivors include his brother Russell Nichol of Memphis, Tenn. Memorial services will be held in the fall. Cremation was handled by Skylawn Memorial Park near Half Moon Bay under the direction of Sneider and Sullivan Funeral Home of San Mateo.

TRIBAL TRACTS

From Previous Page

Ponca - 1
 Chickasaw - 1
 Seminole/Navajo - 1
 Chickasaw/Seminole - 1
 Port Gamble - 1
 Pima/Maricopa - 2
 Northern Cheyenne - 2
 Arapaho/Sioux - 1
 Tonkawa - 1
Summer Youth Placement Sites
 Potawatomi Enterprise Department - 1
 Potawatomi USDA Program - 4
 Potawatomi Tribal Police - 1
 Potawatomi Museum - 1
 Potawatomi Health Department - 1
 Potawatomi Babes Program - 2
 Potawatomi WIC Program - 2
 Potawatomi Administration - 4
 Firelake Golf Course - 4
 Tecumseh Housing Authority - 11
 Tecumseh City Hall - 5
 Shawnee City Housing Authority - 9
 Shawnee YMCA - 12
 Shawnee Parks Department - 4
 Indian Health Services - 8
 Iowa Tribe - 4
 St. Gregory's College - 13
 Bureau of Indian Affairs - 3
 Maude City Hall - 1
 Asher City Hall - 2
 City of Chandler - 1
 Asher Public Schools - 2
 Oklahoma University Dean's Office - 4
 Pleasant Grove School - 3
 Chandler Public School - 1
 Action, Inc. - 1
 Kickapoo Headstart Program - 2
 Absentee Shawnee Housing - 2

Grand plan for Concordia stirs protest

(The following story written by Patricia Wirth for the 5/9/88 Business Journal was submitted by tribal member Burke Wyatt of Phoenix, Az.)

At the turn of the century, land bounded by West Kilbourn Avenue, West Highland Boulevard, North 29th and North 34th streets was transformed into a prestigious residential neighborhood.

Nicknamed "Sauerkraut Boulevard," the area boasted dozens of formidable, almost institutional structures that served as private residences for Milwaukee's elite. Behind the homes' limestone columns, cast-iron trim and lunette windows lived the Pabsts, the Kieckhefers, the Prtizlaffs, the Zinns and the Usingers.

By 1910, three-story frame duplexes and single-family homes reflecting middle-class respectability formed a ring around the stately structures of the rich.

Then the affluent moved out and Concordia College moved in. It occupied the old mansions until 1981 when, stymied by neighborhood resistance and a lack of cooperation from the city, it abandoned plans to expand the central city campus and headed for Mequon.

From 1981 to 1985, the vacant mansions deteriorated. Windows were broken and weeds grew between cracks in the concrete. Prostitutes and pimps worked the grounds. A fence around the site gave it the appearance of a prison.

Now owned by the Indian Community School, the old campus is beginning to look like its former self again. The lawn is mowed and remodeling

work is under way in a few of the nine buildings that make up the 11-acre site.

For three semesters, 130 Indian children from kindergarten through eighth grade have attended the school at 3134 W. State St. An old day care center at 3229 W. Highland Blvd. has been made into a 16-unit efficiency apartment building for elderly Native Americans. And a dormitory building on the campus is being renovated to provide rental housing to college students.

At Concordia College in Mequon, five Indian languages are being offered for academic credit and Indian students are being trained as teachers for the Indian Community School.

School administrators have grand plans for the old Concordia site. They talk of extending the system to include students through the 12th grade and a vocational college. They talk of a library and a chapel, of renovating the gymnasium and swimming pool, and of the development of an Indian cultural center.

"This would be one of the most exciting economic development projects for the city of Milwaukee I've seen yet," said Ian Harris, an associate professor of community education at the University of Wisconsin-Milwaukee, whose back yard brushes against the urban campus.

Acting in cooperation with the Indian Community School, the Florence County Potawatomi tribe has applied for Potawatomi reservation status for the property. If approved by the U.S. Department of Interior's Bureau of Indian Affairs, the land would be owned by the federal government and held in trust for the benefit of the Potawatomi Tribe, which would lease it to the Indian community School.

Through trust status, the school would be entitled to federal funds for the education of Indian children who live on reservations. But as a federal reservation, the property would be exempt from local zoning and building codes, licensing restrictions and other local and state laws.

A number of outspoken neighbors aren't comfortable with that. Their lawns are planted with signs that read: "No trust status - preserve local control."

Karen Hendrickson, director of the West End Community Association, says she represents a large contingency that wants to "continue to improve the neighborhood" through its presence at City Hall meetings. She says she supports the Indians and approves of their use of the property, but she believes granting trust status in so fragile a neighborhood would force some property owners to sell.

Some neighbors fear that if the school didn't pay off, the Potawatomis might seek a better way to generate income, like high-stakes bingo, even though the Indians have vowed not to run bingo operations at the school.

A white knight in the form of a private developer who might want to buy the property probably would please some neighbors, but what control would they have years from now if that developer opted to sell the land to someone else?

Attorneys representing the city and the country say they want a separate land-use agreement to be negotiated with the Potawatomis that would assure their adherence to local codes and regulations. Indian Community School officials say they're all for it.

But the Bureau of Indian affairs can grant trust status with or without the nod of local government, and it might be reluctant to recognize a separate agreement out of fear that it would be a precedent.

Meanwhile, the Indian Community School is

relying on grass-roots funding for support. If reservation status is denied, Joseph Preloznik, the attorney for the school, says the land eventually will revert to "the same situation it was before, decaying into a state of deterioration and vandalism."

Perhaps some neighbors see that as the lesser of two evils.

Requests for ballots in '88 election are listed here by states

Requests for ballots to participate in the 1988 Potawatomi election and referendum are listed here by states:

Alabama - 1
 Alaska - 4
 Arizona - 32
 Arkansas - 6
 California - 159
 Colorado - 26
 Delaware - 1
 Florida - 8
 Georgia - 3
 Hawaii - 4
 Idaho - 3
 Illinois - 11
 Indiana - 2
 Iowa - 1
 Kansas - 66
 Louisiana - 2
 Maryland - 1
 Massachusetts - 1
 Michigan - 1
 Missouri - 30
 Montana - 1
 Nebraska - 2
 Nevada - 2
 New Jersey - 1
 New Mexico - 17
 New York - 3
 Ohio - 6
 Oklahoma - 144
 Oregon - 22
 Pennsylvania - 1
 Tennessee - 1
 Texas - 86
 Utah - 1
 Vermont - 1
 Virginia - 5
 Washington - 23
 Wisconsin - 4
 Wyoming - 3
 France - 1
 APO New York - 1
 APO San Francisco - 1

Tribal Museum attracts record 372 visitors during month of June

A record 372 visitors signed the visitor book at the Tribal Museum and Trading Post in June, according to director B.J. Rowe, who said more probably visited but failed to sign the book during the busy Potawatomi Days.

A breakdown by states and countries: Canada, 4; West Germany, 2; Argentina, 1; Oklahoma, 187; Texas, 45; California, 23; Arizona, 3; North Carolina, 2; District of Columbia, 1; Oregon, 5; Washington, 5; Ohio, 8; Indiana, 5; West Virginia, 3; Illinois, 5; Tennessee, 15; Pennsylvania, 3; Connecticut, 1; Louisiana, 10; Kansas, 10; South Carolina, 1; Arkansas, 4; Missouri, 16; Mississippi, 2; Alabama, 2; New Mexico, 2; Colorado, 2; Michigan, 2; Florida, 1, and Wyoming, 2.

For the record...

Special Business Committee - May 20, 1988

Present: John Barrett, Francis Levier, Hilton Melot by phone, Bob Davis by phone.

After discussion John Barrett moved to approve Potawatomi Resolution #88-68 "Guaranteeing the renovation loan of Mission Hill Hospital and providing for purchase and loan repayment." Bob Davis seconded the motion; passed 4-0. The guarantee for \$1.5 million in renovation and improvements to the hospital is backed by the tribe's option to purchase in event of default. A quit-claim deed exists providing for the tribe to take possession of the property the hospital sits on in event Mission Hill ever ceases to remain in public ownership and operation.

Business Committee Minutes - May 26, 1988

Present: Chairman John Barrett, Secretary Bob Davis, Committeemen Francis Levier and Hilton Melot, Accounting Director Carolyn Givens, Tribal Rolls Secretary Ava DeLeon, Operations Manager Bob Dunning, Enterprise Director Jerry Motley, Recording Secretary Pat Barrett.

Chairman Barrett called the meeting to order at 5:40 p.m.

Francis Levier moved to waive the reading of the previous minutes. John Barrett seconded; passed 4-0.

Francis Levier moved to approve Potawatomi Resolution #88-69, submitted by Rolls Director DeLeon and accepting five applicants for tribal enrollment. Hilton Melot seconded; passed 4-0.

Rob Burpo of First American Assets, Inc. discussed future economic development possibilities for the tribe and possible funding sources.

Business Committee went into executive session to discuss pending development proposals at 6 p.m.

Reconvened in open session at 7:10 p.m.

Hilton Melot moved to approve Resolution #88-70 authorizing an increase in the current CTGP grant. Bob Davis seconded; passed 4-0.

Hilton Melot moved to approve Resolution #88-71 utilizing the Cherokee Nation transportation network for delivery of USDA foods to our Food Distribution Program.

Hilton Melot moved to approve utilization of the Golf Course Network's tee marker advertising program for Fire Lake. Bob Davis seconded; passed 4-0.

Francis Levier moved to allow Tribal Prosecuting Attorney David McCullough to sign a tribal attorney contract with the Iowas at their request. McCullough will disqualify himself in the event of a conflict of interest between the Potawatomi and Iowas. Hilton Melot seconded; passed 4-0.

Francis Levier moved to approve a \$100 campaign donation to Representative Ben Nighthorse Campbell who is running for a second term and is the only American Indian in Congress. Bob Davis seconded; passed 4-0.

Meeting adjourned at 9 p.m.

Business Committee Minutes - June 8, 1988

Present: Chairman John Barrett, Secretary/Treasurer Bob Davis, Committeeman Hilton Melot and committeeman Francis Levier.

The meeting was called to order by Chairman Barrett at 9:30 a.m.

Motion was made by Francis Levier and seconded by John Barrett to pass a resolution of agreement with the Sac and Fox Nation, the Absentee Shawnee Tribe, the Kickapoo Tribe and the Iowa Tribe of Oklahoma to contract the FY 89 Operation and Service of the Shawnee Agency of the Bureau of Indian Affairs. Motion carried, 4-0. (Resolution Pott# 88-72)

A motion was made by Francis Levier to pass a resolution vehemently opposing Senate Bill 555 - Indian Gaming Legislation. Motion was seconded by Bob Davis. Motion carried, 4-0. (Resolution Pott# 88-73)

Francis Levier introduced a resolution to adopt an amendment to Section 507 to the Criminal Code to include a Dangerous Weapons Section. Motion was made by Francis Levier to approve this resolution. Hilton Melot seconded the motion. Motion carried, 4-0. (Resolution Pott# 88-74)

A motion was made by Francis Levier to direct the Supreme Court to use the Indian Law Reporter as the official reporter of the Citizen Band Potawatomi Tribal Court and to authorize the Supreme Court to select and submit the cases to be published. Motion was seconded by John Barrett. Motion carried, 4-0. (Resolution Pott# 88-75)

Meeting adjourned at 10:00 a.m.

Citizen Band Indians of Oklahoma Highlights From Financial Statements September 30, 1987 and 1986

	GENERAL FUND	SPECIAL REVENUE	ENTERPRISE FUNDS	INTERNAL SERVICE	TRUST & AGENCY	GENERAL FIXED ASSETS	GENERAL LONG TERM DEBT	TOTAL 1987	TOTAL 1986
Total Assets	\$ 5,590,745	\$ 557,329	\$ 1,236,642	\$ 89,799	\$ 63,471	\$ 1,928,778	\$ 33,340	\$ 9,500,104	\$ 9,743,536
Total Fund Equity	\$ 5,557,018	\$ 391,585	\$ 1,154,458	\$ 59,326	\$ 26,247	\$ 1,928,778	-	\$ 9,117,412	\$ 8,942,741
Total Liabilities	\$ 33,727	\$ 165,744	\$ 82,184	\$ 30,473	\$ 37,224	-	\$ 33,340	\$ 382,692	\$ 800,795
Total Revenues	\$ 896,374	\$ 1,892,677	-	-	\$ 112	-	-	\$ 2,789,163	\$ 2,817,180
Total Expenditures	\$ 519,972	\$ 1,995,436	-	-	\$ 8,183	-	-	\$ 2,523,591	\$ 2,568,960
Operating Transfers	\$ (163,647)	\$ (5,375)	-	-	\$ (1,974)	-	-	\$ (170,996)	\$ 29,211
Excess of Revenues Over Expenditures and Operating Transfers	\$ 212,755	\$ (108,134)	-	-	\$ (10,045)	-	-	\$ 94,576	\$ 277,431
Operating Revenues	-	-	\$ 3,179,236	\$ 313,483	-	-	-	\$ 3,492,769	\$ 3,490,213
Operating Expenses	-	-	\$ 3,158,639	\$ 465,393	-	-	-	\$ 3,625,032	\$ 3,264,500
Depreciation Expense	-	-	\$ 122,124	\$ 7,505	-	-	-	\$ 129,629	\$ 122,601
Non-Operating Revenue and Operating Transfers	-	-	\$ (536)	\$ 177,788	-	-	-	\$ 177,252	\$ (27,907)
Net Income (Loss)	-	-	\$ (100,063)	\$ 17,373	-	-	-	\$ (82,690)	\$ 75,455
Liabilities as a Percentage of Assets	0.60%	29.74%	6.65%	33.93%	58.65%	-	-	4.00%	8.22%

Joseph Lafrombois - His Ancestors and Descendants

By Harold L. McCreery

Joseph Lafrombois, the man spoken of in Potawatomi history many times, was a very interesting character. There have been several misstatements about who he was and who his family was. We regret that the person who wrote the book *"Gateway to the West"* was not a little more careful of his facts before he specified certain individuals. My wife, who is a direct descendant of his, and myself, have collected from a variety of sources the early marriage records of the LaFrombois - wills, etc. It would appear the best place would be to start at the beginning.

Bertrand Farfard, Suier de LaFrombois was the first one of the family that has been found in the New World. His father was Jean Farfard and his mother was Antoinette Leverdier. He was married to Marie Sedilot December 20, 1640 in Three Rivers, Canada. In the book *"Ceasers of Canada"* a plat shows that he lived near Radison, of early French fame for exploration and fur trade.

Jean Baptiste LaFrombois, the son of Bertrand and Antoinette, married Francoise Marchand.

Jean Baptiste LaFrombois, the son of Jean and Francoise, married Louise Charlotte Le Gardeur.

Jean Baptiste LaFrombois, the son of Jean and Louise, married Genevieve Trotier La Bissoniere. They, as well as maybe some of their forebears, lived near Lake Champlain about the time of the Revolutionary War. They had at least three sons whose names were Alexander, Joseph, and Francois. This Joseph was not the one that is the subject of this lineage.

It was Joseph, the son of Jean and Genevieve, who married an Ottawa Indian lady named Madeline. He was a fur trader, principally along the eastern shore of Lake Michigan to Mackinac Island. In 1808, while he was on his way north to Mackinac, he was shot in the back by a drunk Indian. His wife Madeline sent two boys to Montreal to school and took her daughter, Josette, to live with a sister in Detroit. Josette later married a Captain Pierce who

Potawatomi HISTORY

was the brother to President Pierce. Madeline continued in the fur trade with the American Fur Company by herself.

Alexander LaFrombois, another son of Jean and Genevieve, was also in the fur trade. He had several posts where he conducted business. During the War of 1812 he was appointed Captain of the Militia at Mackinac.

Francois LaFrombois was the only other known child of Jean and Genevieve. Francois married Shaw-We-No-Quah, said to be the daughter of an Ottawa chief. They lived in a trading post at Milwaukee some time prior to another founding the city. They had four known children named Claude, Joseph (our subject), Alexis, and Josette. Somewhere around 1800 they moved to the Chicago area.

We know nothing more about Alexis unless he was one who traveled to the far west. There was a western fort named LaFrombois.

Claude himself is interesting. He was proud of his Indian heritage and encouraged the family young to be Indian.

Josette was with the Kinzie family at the time of the Fort Dearborn Massacre. She later married J.B. Beaubien after his first Indian wife died. Josette was the step mother of Medard Beaubien and his brother.

Joseph LaFrombois was born on the Saint Joseph River about the year 1793. With his family he lived at their trading post in the Milwaukee area while he was small. Around the turn of the century they

moved the fur trade operations to Chicago. Joseph and his father were listed among the first voters in Chicago. During the Black Hawk War Joseph and Claude served in the company commanded by Billy Caldwell, the mixed blood chief. Joseph married Theresa and they had a large family. Many of their children were born in the Chicago area and the youngest were born in Kansas.

While in Chicago, Joseph became one of what was known as the Chicago Chiefs which included such people as Billy Caldwell, Alexander, Squint Eyes, Robison, Wabunsee and other Potawatomi. By treaty agreement they left Chicago in 1835 headed toward Missouri. By the time they reached Council Bluffs, Iowa the government changed its mind, and they stayed in Iowa until 1844. During the stay in Iowa this band, often referred to as the Prairie Band, became largely known as the Caldwell Band. Caldwell and others had died in Iowa and by 1844 the leadership of this band appears to be largely in the hands of Joseph LaFrombois and Perish LeClair. A letter to the head of the Indian Department in 1844 states that these two should be commended for making the bands travel from Iowa to Silver Lake, Kansas one of the easiest moves experienced by the Indians.

Joseph and his only wife, Theresa, built a house on the East side of Silver Lake, Kansas. both are buried at Silver Lake. Joseph died February 23, 1867. He was also a signer of the treaty allowing the Citizen band to become a reality.

Joseph and Theresa, as stated, had many children. Joseph and Theresa (daughter of Joseph & Theresa) were born in Chicago. Joseph died in the Civil War and Theresa was married to Watkins, Hardin and finally to Medard Beaubien. She later came to Oklahoma where she died. Among the children were the two youngest who were born at Silver Lake. These were Abraham and Julia Ann. Abraham stayed in Silver Lake on the site of the original family home. Julia Ann is the Great-Grandmother of my wife, Peggy Lawson McCreery.

John Baptiste Bruno: Half or more Indian, but of what tribe?

(Editor's Note: Johnny and Porter Wesley Flynn became enrolled members of the Citizen Band in May, 1984, after their mother relinquished her membership in the Sac and Fox Tribe)

By Johnny and Wesley Flynn

John Baptiste Bruno was born somewhere in Iowa Territory on December 25, 1840. documents from this early period, and documents and pictures of John B. in his later life indicate that he was half or more Indian, the question is, what tribe? Several sources of information say that John B. was of Blackfoot Indian heritage through his mother, Julia, and French through his father, Anthony Bruno. No maiden name has yet surfaced for John B's mother, Julia, but family history and government documents describe her as a full-blood Dacotah Sioux Indian. As for Anthony Bruno, John B's father, he was certainly of French extraction, and Bruno family oral history indicates Anthony's mother was also of Indian heritage. It is unknown as yet the tribe of Anthony's mother, but it is possible that through her comes the Blackfoot Indian heritage. This seemingly obscure detail becomes

important as our story progresses. Regardless of the source of John B. Bruno's Indian blood, he married Mary Rhodd, a full blood Potawatomi Indian, in Kansas soon after the end of the Civil War.

Mary Rhodd Bruno, John B.'s wife, was born in Kansas in 1850 on the Potawatomi reservation. Mary Rhodd Bruno's father was Charlie Rhodd, her mother was Was-to-win. Both Mary's parents were born on the old Potawatomi lands in Illinois, and both were probably young children when the U.S. Army removed the Potawatomi at gunpoint to the reservation in Kansas Territory.

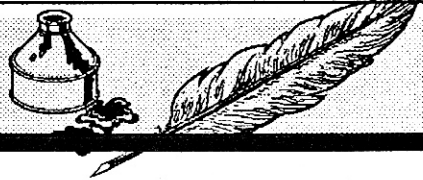
During the Civil War, John B. Bruno served as an ox-team driver for the United States Army hauling supplies to the various forts and settlements in Kansas and Colorado. According to family oral history, on one of those hauls, possibly around 1863, John B. Bruno drove a wagon that was part of a train of twenty or so wagons hauling supplies through the northern part of Kansas. At some point the wagon train encountered a war party of more than a hundred Pawnee Indians, enemies of the Potawatomi ever

since the 1830 removal had pushed them to the edge of Pawnee territory. In several recent battles the Pawnees were on the losing end and were on the hunt for revenge. It seems the Pawnees had learned that several of the team drivers were Potawatomis, so they demanded that their enemies be handed over to be served Pawnee style justice. According to family legend, John B. Bruno, in his early twenties, proposed a different solution. He offered to meet two of the Pawnee's best warriors in hand to hand combat. If the Pawnees could kill him they could also have the Potawatomis from the wagon train. If John B. could beat the two Pawnees, the wagons could proceed unmolested. The Pawnees agreed and John B. stepped into the back of the wagon to change. When he stepped out he was dressed in the fighting outfit of a Blackfoot, and enemy the Pawnees respected more than the Potawatomis. John B. fought both Pawnees and won. True to their word, the Pawnees apparently let the wagons pass. At that time there were three brother chiefs of the Potawatomi and they were so grateful to John B. for saving their

kinsmen that they adopted him as their son and nephew. John B. in turn gave to three of his sons the Indian names of the three chiefs, Sam Bruno was called Tick-wa-ko, John A. Bruno was called Sha-won-a-she, and Mose Bruno was named Per-she-at-won.

When John B. Bruno brought his family to Pottawatomie County the game was plentiful and the streams were clear and full of fish. When the Sacred Heart Mission was built, John B. helped to cut and hew the logs used in the construction of the mission church and school buildings. After a fire at Sacred Heart in 1901 destroyed all but the stone buildings of the original mission, John B. also helped rebuild the Sacred Heart complex in southern Pottawatomie County. For many years the Bruno name appeared on the rosters of students at both the boys and girls schools, and the Brunos were active parishioners at the Sacred Heart mission.

John B. Bruno and Mary Rhodd Bruno had nine children, seven of those nine lived to leave descendants. They are both buried in the Sacred Heart cemetery, as are dozens of their descendants and relatives.



Letters to the HowNiKan

Why are Hodel, Reagan suddenly picking on Indians?

The Honorable Donald P. Hodel
My Dear Mr. Secretary:

Why do you and President Reagan suddenly want to pick on Indians? Is this the start of some dastardly plot to terminate the treaty relationship with Indian tribes? We hope not.

You came out with a gratis attack on Indians in a letter dated May 11. The President came out with an oral attack on Indians in Moscow on May 31. Were these two attacks coordinated? Who approved them? We think they were approved at the highest levels.

Both yours and the President's education is deficient. The U.S. has never given land to Indians. All the U.S. has ever done is take Indian land. Indian tribes gave up billions of acres - at a point of a gun. The President stated clearly that there were many rich Indians in the U.S. That is clearly a lie. Indian people are the poorest in the nation. Even politicians should not tell bald face lies.

You said in your letter that the right of tribes to control the adoption of their citizens, guaranteed in the Indian Child Welfare Act, is based on race, and is "pure racism." What a distortion! Tribal rights are not based on race; they are based on a governmental, treaty relationship. The U.S. has always honored the rights of tribal governments to act in a governing capacity toward their lands, their minerals, and their citizens. Even in the worst years of U.S. terrorism and oppression of Indians, the early reservation years of 1870 to 1930, this principle was honored. Your wishes to pretend the principal of tribal sovereignty does not exist do not begin to make it disappear. Back off.

Thus child custody questions are based on politics, not race. The right of a duly elected tribal government to exercise its powers has always been a thorn in the side of rednecks and frontiersmen. The citizens of Georgia, Mississippi, Alabama, Tennessee and other states got Andrew Jackson to force their Indian tribes to Oklahoma at gun point rather than let them exercise any authority. It is dismaying to see a modern President and his chief trust officer for Indian affairs acting like rednecks.

We think you are deliberately muddying the water. Why do you not stand behind your own Indian policy statement of 1983, which says tribal sovereignty will be guaranteed by this administration? Why do you not try to stop the 50%

of Indian students from being forced out of your BIA schools by callous and uncaring administrators? Why do you not deal with the 49% unemployment in Indian Country? Why do you not deal with the overwhelming poverty among Indian tribes? Why? Why?

We want some answers, not gratuitous attacks on defenseless Indian people.

Very truly,
Dean Chaver, Ph.D.

More information on 'Adopt An Elder'

Thank you HowNiKan,

I so enjoy reading your newspaper each arrival. Because of my distance from you sometimes it gets to me late (I may miss deadlines) but I nonetheless enjoy every page. My absolute dream is to one day visit Shawnee and one day attend a pow wow.

In the Vol. 10, No. 5 issue on page 4, I was fascinated by the "Adopt an elder program established" article. I see we're encouraged to write to Woodside, N.Y. for further info, but before doing that I must ask if our tribe has a program in place already which would cover the same population and needs? I would be very interested in corresponding with an elder and also planning on a \$20 donation each month. I realize the article referred to two different programs. Are any Potawatomis registered?

I'm a literacy teacher of adults, formerly a primary school teacher, and have grown to love our elders more deeper each month.

There may be no one with time enough to answer my questions. Thank you though, for your consideration.

Thank you also for the fine paper. Keep up the good, informative work. Enclosed is a donation to help with that!

Mary Ann Harty
Richmond, Va.

(Editor's Note: To contribute to needy or elderly Potawatomi contact Ken Cadaret, RN, at the tribal complex. Donations are needed for the pharmacy created by the last referendum and items for the elderly, not covered by the Prosthetics Foundation, (canes, handrails, etc.) are always needed.)

Lots of questions, lots of answers

Secretary Bob Davis,

I didn't want to take up tribal members time by discussing the issue, but I went through all papers and I knew you were pulling my leg about meetings lasting till two am. The latest one is eleven oclock

closing. I think you are well paid for time, as lots of times you set at home and vote by phone.

Did you see on 5 News last nite? Another hospital went under. I think hospital a bad move. Just like buying cow ranch. I would like to see published all names and salaries of all employees. Is Mr. Barretts father in law on payroll? What is Mr. Barrett's salary? What is Dr. Levier's salary? Why are we always suing someone? I would like to see two year terms for all, then out. Like president of U.S.

If tribe has 32,000 members lets split a million and all get over \$300 apiece. We are not getting any younger. Is it true that editor of paper job paid \$20,000 per year. Does secretary job pay more or less?

In March of 88 there was three meetings. Why so many at \$50 per man? Or is it more per meet now? I have been on rolls for over 70 years and sure don't understand lots of things. Maybe you can help me by replying.

Delbert Dike
Ada, OK.

Editor's Note: Federal confidentiality laws protect employees' salary rate from public release. Business Committee members are paid \$50 per meeting and usually meet once a month unless there is pressing business needing action. Phone votes are taken to avoid any accusations of "sneaking around," and committee members contacted by phone are not paid. There are 12,000 tribal members - not 32,000 - and the set-aside money can never be spent - only the interest it accumulates, and that is controlled by referendum ballot and federal approval. Pat Sulcer's stepfather was a tribal employee for two years before Sulcer married Barrett. Federal law prohibits firing employees for an "after the fact conflict of interest." The Business Committee members each currently serve two-year terms - unlike the president who serves four. We are not always suing someone. We are in litigation with the state of Oklahoma to preserve the tribe's sovereign status. We are in litigation with the bingo management group because we believe they have stolen a great deal of money from the tribe and because even the Department of Interior has ruled they are operating without a valid contract. The tribe is not trying to buy a hospital, nor has it bought a cow ranch.

Kansas City Council was 'a great event'

Dear Friends,

People of the Fire, it is time to write and commend you on the recent Regional Meeting in Kansas

City. It was a great event and a good crowd. First time for my sister Judy Schulze and she is already for next year, as the rest of us are. Rocky did a fine job of explaining issues and helped a lot to hear it direct from him. Also a delicious meal in a lovely setting.

Makes me more proud than ever to be a member of the Tribe.

Hope all goes well for the election.

With Love and Prayers,
Marguerite Schuyler
Topeka, Kansas

Descendency letter being distributed

Dear Brothers and Sisters:

Again let me commend the fine job our elected officials are doing to preserve and improve the Potawatomi as a tribe and people.

I am confident through the regional meetings the voice of the majority and the strength of numbers shall win justice for tribal sovereignty and tribal enrollment by descendency.

Lester Lewis, Sr., my grandfather, passed away two weeks ago. As head of this family he was very much loved and will likewise be very much missed. While Grampa's passing is a sorrowful time, his memory and experiences bring joy and happiness in remembering. His life, values and ideas have touched all our lives and will continue to touch each new generation. Dorothy Lewis, my grandmother, and I talked about how much it meant for my grandfather to have visited the reservation and attended a Pow Wow two years ago.

In honor of my grandfather, I am currently preparing a letter to the Department of the Interior requesting approval of a secretarial election to determine if a change should be made in the enrollment criteria in our tribal constitution to allow enrollment by descendency. The letter will be distributed for signatures at the Lester Lewis, Sr. family reunion to be held in Medford, Wisconsin, during the 4th of July weekend. (Potentially 17 family members on the tribal rolls will sign letters.)

Sincerely,

Joan R. Keith
Cicero, Illinois

Draft-
Dear Mr. Swimmer:

The members of the Citizen Band Potawatomi Tribe have been informed that the tribe's request for a secretarial election has been denied by the Solicitor's Office. This approval is necessary in order that an election be held to determine if a change should be made in the Continued, next page



Letters to the HowNiKan

Continued from previous page
*enrollment criteria in the
constitution to allow enrollment by
descendency.*

*I am a tribal member like my
ancestors. I believe it is my
descendants' right and privilege to
also be enrolled as tribal members
as they are truly Indians also. It is
their heritage, and it will all be
soon lost forever in history if their
generation is not allowed to become
members. We must keep open the
tribal membership for all rightful
descendants, no matter the blood
degree, for the preservation of our
culture and tribal history.*

*This request for a secretarial
election is to secure the right of
making our own decision regarding
tribal enrollment within our own
tribal council. Thank you for your
consideration in this matter.*

*Sincerely,
Joan R. Keith*

*cc: Chairman Daniel Inouye
Senate Select Committee on
Indian Affairs
U.S. Senate
Washington, D.D. 20510*

Descendency issue should be settled

Dear Sirs:

The Citizen Band Potawatomi
Tribe has requested the Secretary of
Interior for Indian Affairs to call a
secretarial election on a proposed
amendment to the Tribal
Constitution. This amendment
would allow tribal enrollment based
on descendency from an allottee.
Scott Keep of the Solicitor's Office,
Branch of Tribal Government,
Department of the Interior, has
denied this request.

It is our understanding that
Congress and the courts have
determined that tribes themselves
establish their own requirements for
membership. Anything else would
be an intervention in the affairs of a
sovereign nation.

At this point in time it is
important that this matter be
resolved because the current
restrictions on enrollment will
eventually mean the end of our
tribe. I am a tribal member, my
mother was an allottee as well as
her parents. But I am 77 years old
and many members are getting old.
My children are tribal members, but
I would like to see my two
grandchildren members as well.
They ought to be allowed to inherit
tribal membership in order to
participate in the preservation of
our culture and tribal heritage as
well as the property and business
assets that the tribe has been
working so hard to maintain and
build. If our descendants are not
allowed to be tribal members then
surely no one else will care about
the preservation of our culture and

history and the continuity of our
sovereign nation.

Ever since the forced removal of
the Potawatomi from our ancestral
land it has been very difficult to
remain united, but with better
leadership I feel we have finally
arrived in the twentieth century and
are experiencing a renewal of our
unity as a people and ought not be
put on the list of endangered
species.

I respectfully request your
intervention on behalf of myself and
the members of our tribe in this
matter. Your attention will be
greatly appreciated.

*Very truly yours,
Reba M. Morariu
Fontana, Ca.*

*cc: BIA, Dept. of Interior
Senator Alan Cranston*

Words of praise from Kansas City

Dear Editor,

I am enclosing a donation. Keep
up the good work.

My wife and I enjoy the Kansas
City Regional Council each year.
Sorry we did not get to attend the
pow wow.

*Orval Adams
Kansas City*

Fight crime, drugs but not Indians

TO THE EDITOR:

President Reagan has declared
that entrepreneurship and private
enterprise will allow Indian Tribes
to gain self-sufficiency and in-
creased sovereignty. He has
instructed the Bureau of Indian
Affairs under Assistant Secretary
Ross Swimmer of Oklahoma to
promote, and financially support
individual Indian-owned busi-
nesses which in theory will
provide tribal governments with
the tax base needed to develop as
governments. At the same time,
tribally owned business enter-
prises have been discouraged and
not funded. Former Interior
Secretary Watt called tribal
ownership of businesses "an
example of communism in Amer-
ica."

Now the state of Oklahoma has
taken the ill-informed position that
a bingo game is illegal unless it is
operated or owned by the tribal
government. As if communism is
OK for Indians and private
ownership is forbidden. The state
of Oklahoma doesn't own and
operate the bingo halls within its
jurisdiction but it does regulate
them. Likewise with Indian tribes,
we can own and operate busi-
nesses and use the profits for the
public good but the preferable
method is to regulate and tax to
create a stable economy upon

which to build.

Most tribes are interested in
jobs for their people. Unemploy-
ment among our people is above
depression-era levels and the
devastation caused by no jobs and
no money is at crisis proportions.
Thus tribes may not seek to extract
revenue from every business
under their jurisdiction, they may
decide not to intrude as a govern-
ment as long as the business is
providing jobs.

By allowing the opening of the
Horseshoe Bend Bingo parlor as a
family-owned business a tribe of
Indians has in every way complied
with the law and the policies of the
federal government. It is time for
state and local governments to
stop draining the public treasury
of the people's hard-earned tax
money to mount attacks against
the Indian citizens of this state. I
call upon the non-Indian citizens
of Oklahoma to force their public
officials to justify their barrage of
expensive lawsuits. Wouldn't tax
monies be better spent fighting

drugs and crime instead of trying
to crush attempts by my people to
better themselves?

*Carter Camp
Tulsa*

Shared words for brothers

Dear People of My Tribe,

I offer these Words to my
brothers of Now and my brothers
of long ago.

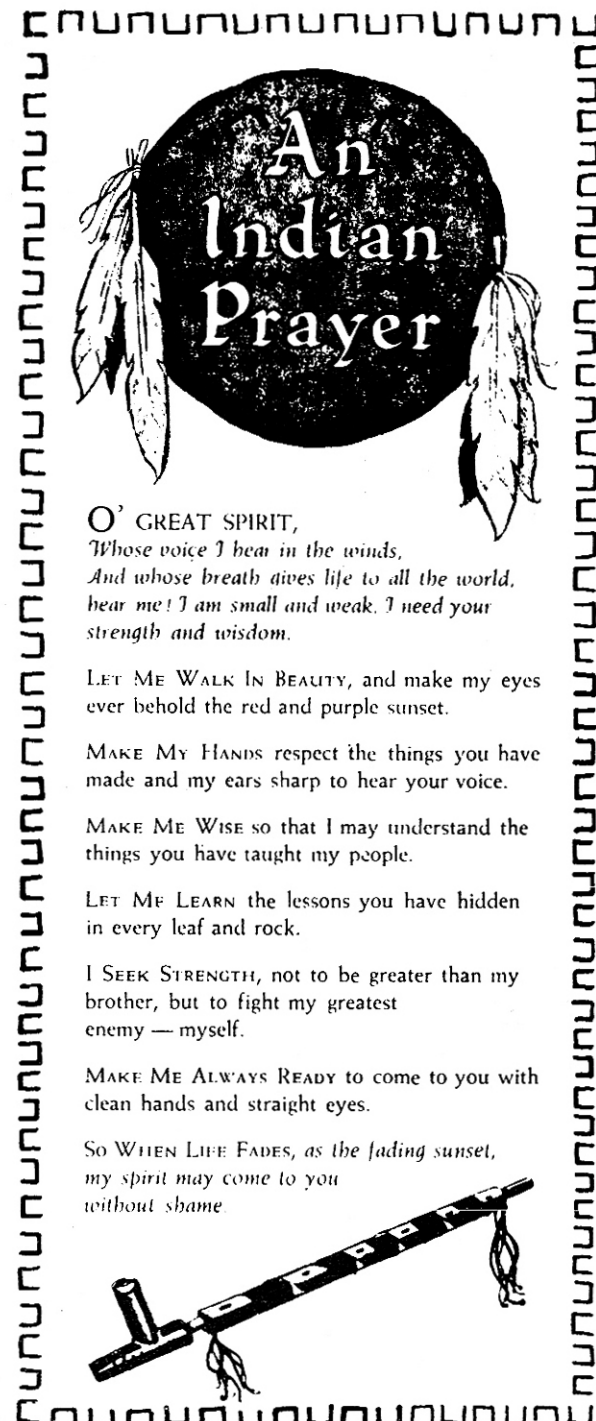
I share with my brothers
through the written words of the
HowNiKan.

It is my wish for all my brothers
that they again know their True
Nature.

And never again feel lonely,
even tho they may live upon and
keep their campfires upon the
earth, may their hearts always be
as the Sky-Spirit.

With Love,

*Wilderness Woman
Sandra M. Walker*



O' GREAT SPIRIT,
Whose voice I hear in the winds,
And whose breath gives life to all the world,
hear me! I am small and weak. I need your
strength and wisdom.

LET ME WALK IN BEAUTY, and make my eyes
ever behold the red and purple sunset.

MAKE MY HANDS respect the things you have
made and my ears sharp to hear your voice.

MAKE ME WISE so that I may understand the
things you have taught my people.

LET ME LEARN the lessons you have hidden
in every leaf and rock.

I SEEK STRENGTH, not to be greater than my
brother, but to fight my greatest
enemy — myself.

MAKE ME ALWAYS READY to come to you with
clean hands and straight eyes.

SO WHEN LIFE FADES, as the fading sunset,
my spirit may come to you
without shame.

*From the Sioux Indian children at Red Cloud Indian School,
Pine Ridge, South Dakota*

NATIONAL NEWS

Attorney defines tribal sovereignty

Ithaca, N.Y. - speaking at Cornell University's Law School April 9, Glen Feldman said that American Indian tribes, no matter the size of their membership, have extensive sovereign powers under U.S. law, and should exercise them. Feldman is the attorney who fought the state of California to the U.S. Supreme Court on behalf of the Cabazon and Morongo, two small bands of California Mission Indians.

In a 6-3 vote on February 25, the Supreme Court ruled that Indian reservations are exempt from state and local gambling laws. The judgment upheld the 9th Circuit Court of Appeals' decision that the state of California cannot apply its gambling laws to the Cabazon and Morongo Bands of Mission Indians.

The high court ruled on behalf of the tribes' right to run bingo and other gaming activities outside of regulation by the state. California tried to point to the small size of the tribe in the bingo case, but "the Supreme Court never even looked at that issue . . . they were absolutely unconcerned that this was a small tribe."

The Cabazon Band of Mission Indians, small and virtually resourceless - 25 enrolled members, 17 adults - "literally brought the state of California to its legal knees," Feldman said.

There is nothing inherent in the size of the tribe that affects its sovereignty, the attorney said. "It is the willingness and its determination to use the powers at its disposal." Indian tribes must "act like a government to be treated like a government," he said.

Some of the reasons, according to the Feldman, are fear of the unknown, lack of familiarity with the "how to" of exercising these rights, and lack of financial resources. "It is very expensive to operate governmental functions." In recent years, the federal monies have been drying up, "the BIA pigot has been turned off."

The importance of the "Bingo Case," as the Cabazon litigation has become known, is that "it opens the door to the use of bingo revenues to set tribes on a more equal footing."

In going to gambling as a source of revenue, Feldman said the tribes are no different from states, of which 48 have instituted lotteries in the last 12 years. "We see legal numbers games, horse racing, Jai-Alai . . .," he said.

Also, the high court noted that California public policy, with "its own state lottery" (\$9 million per day), and horse-racing" (\$2 billion per year) - as well as off-track betting, poker and other games -

made the California argument that its public policy "opposes this type of gambling" ring hollow.

One argument accepted by the high court, on the right of Indian tribes to seek revenues, appeared to "put into an early grave" an earlier case, (*Rice v. Rehner*, 1983), on liquor sales, which had "suggested that the extent that a tribe's sovereign authority was dependent on the tradition of exercising that governmental authority, and that if the tribes had not traditionally engaged in an activity that the state would have a greater ability to exercise the jurisdiction over it.

The frightening concept here, said Feldman, is that taken to a logical degree, any "modern-type" activity, including environmental regulation, zoning, the issuance of license plates, etc., which are not "traditional governmental functions" might then be seen as non-sovereign activities.

"Fortunately, I think we were able to dissuade the court from that position, and its response in the case does not deal directly with whether bingo is a traditional activity, but allows that the raising of revenues is a most common governmental function and in that sense what the tribes are doing is an exercise of their sovereign powers."

The state argument that the Federal Organized Crime Control Act gives the state authority on the reservations was also rejected by the high court. The court noted that there is no proof of organized crime at the reservations in question and the argument, admittedly, posed only a hypothetical threat, with no substance. An earlier decision in the 9th U.S. Circuit Court of Appeals also noted that there is no particular threat of organized crime in the Indian bingo enterprises.

Twice before, in 1981 and 1983, the Supreme Court refused to take cases on Indian gambling.

Lummi Reserve is foreign trade zone

Bellingham, WA - The Lummi Indian Reservation is one of five locations in the Bellingham area that will be designated as a foreign trade zone.

A foreign trade zone (FTZ) is a designated area to which companies may import merchandise from other nations, disassemble or assemble, and store or exhibit merchandise duty-free, pending shipment to other locations.

Sen. Slade Gorton (R-WA), and Rep. Al Swift (D-WA), announced that U.S. Commerce Secretary Malcolm Baldrige approved the FTZ designations. County officials have been seeking the designations for more than a year.

An FTZ designation is attractive to private enterprise and often results in new companies locating inside of its borders, Gorton said.

"More than a dozen companies have already indicated an interest in locating in these zones," said Gorton. "The interest now expressed by outside firms in coming to the Bellingham area begins the payoff for our efforts."

The four zones to be controlled by the Port of Bellingham will be at the Bellingham Airport, Cordata, Blaine and Sumas.

"The port, the county, the Lummi and other citizens are prepared to make the best possible use of these commercial opportunities," said Gorton.

AILTP publishes Indian sourcebook

"Indian Tribes as Sovereign Governments," a sourcebook on Federal-Tribal history, law and policy, has been published by the American Indian Lawyer Training Program (AILTP). The 156-page softback book is divided into four parts and is authored primarily by Charles F. Wilkinson and Christine L. Miklas.

Part One has four chapters that cover the history of Federal-Tribal relations, the federal trust relationship, governmental authority in Indian Country and economic development and reservation environments.

Part Two covers the treaty of Point Elliott and the executive order establishing the Walker River Reservation; Part Three excerpts 14 decisions by the Supreme Court.

In the preface, Richard Trudell, executive director of AILTP, says the book is designed to promote understanding about Indian tribal governments. "The varied perspectives offered on Federal-Indian history, law and policy, provide an excellent framework for the concise study of a constantly expanding field. It is hoped that through such study the place of Indian tribes within the community of governments in the United States will be understood more clearly and secured for future generations," he added.

The book sells for \$12.50. The address of AILTP is 319 MacArthur Blvd., Oakland, CA 94610

High Court to look at Indian adoptions

The U.S. Supreme Court has agreed to look at the case of an adoption by a white Harrison County, Miss., couple of twins born to two Mississippi Band Choctaw tribal members in 1985.

The children were born at a

hospital off the reservation and immediately given up for adoption. When the tribe tried to revoke the adoption, Mississippi courts refused, saying the tribe had no jurisdiction over the babies because they had never lived on the reservation. The tribe appealed to the high court, claiming that the Indian Indian Child Welfare Act gives tribal courts exclusive jurisdiction over adoption of Indian children. The court will hear arguments this fall.

Ruling curbs tribal court jurisdiction

St. Louis, Mo. - An Indian tribal court lacks authority to rule in cases involving Indians of other tribes and people who are not Indians, a federal appeals court has ruled.

The ruling by the 8th U.S. Circuit Court of Appeals resulted in the dismissal of two alcohol-related charges and a disorderly conduct charge against three people arrested on the Devils Lake Indian Reservation in North Dakota.

Mary Jo Greywater, Anthony Charboneau Jr. and Raymond Buckles are members of the Turtle Mountain Band of Chippewa Indians in North Dakota and not the Devils Lake Sioux Tribe, according to evidence presented to the appeals court.

The U.S. Supreme Court ruled in 1978 that "Indian tribes...cannot try non-members in tribal courts," according to the 8th Circuit opinion written by Chief Judge Donald Lay of St. Paul, Minn.

The U.S. Justice Department presented "a well-written and persuasive" argument supporting the tribal court's contention that it had jurisdiction over the three, Lay said.

Although the issue is complex, "until the Supreme Court says that we are wrong, we are persuaded that the court intended to say what it said" in the 1978 case, Lay wrote.

Joining Lay in the decision were Circuit Judges Gerald Heaney of Duluth, Minn., and Frank Magill of Fargo, N.D. The appeals court opinion overturned a decision by U.S. District Judge Patrick Conmy of Bismarck, N.D.

Indian cigarettes 'hurt state revenues'

Albany, N.Y. - New York state is losing between \$7 million and \$10 million a year in tax revenues on cigarettes sales to non-Indians in reservation shops, says a New York tax department spokesman.

"If it were just the Indians buying the cigarettes for themselves that would be one thing," Karl Felsen

Continued, next page

NATIONAL NEWS

From previous page said, "But we're talking about huge operations with billboards and drive-in windows that are after the trade from outside the reservation."

State, local and excise taxes on a carton of cigarettes total \$2.10, he said.

The tax agency wants to push for regulations that would allow New York to tax non-Indian cigarette dealers who are selling cigarettes to shops on the reservation, said Felsen.

Proposed new regulations also include a quota system that allocates a pre-specified number of untaxed cigarettes cartons to be sold, according to the Indian population on each reservation. Any cigarette sales that exceed the allocation would be subject to state taxes.

"We know they're not going to collect taxes for us," Felsen said. "This allows us to control the distribution network."

Creek lawsuit heard by Court of Appeals

A Creek Nation lawsuit against the Secretary of the Interior, Donald Hodel, that has a five year history of unfavorable opinions all the way from the Bureau of Indian Affairs agency appeal process to the District Court of Washington, D.C. was heard June 1 in the U.S. Circuit Court of Appeals for Washington, D.C.

The suit was initiated in 1983 by Geoffrey Standingbear who was the Creek Nation attorney at that time after Interior denied funding for Creek Nation law enforcement and the Creek tribal court system.

Throughout the case, the Department of Interior has claimed the Creek Nation does not have jurisdiction for either law enforcement or tribal courts - that their power was abolished by the 1897 Indian Appropriation Act and the 1898 Curtis Act.

When the Five Civilized Tribes were refusing to apportion their lands to individual tribal citizens at the turn of the century, these acts were passed telling the Five tribes to allot and to comply within a designated time in order to preserve their national councils and tribal courts.

The Chickasaws, Choctaws and Seminoles complied but the Creeks instead selected to challenge the constitutionality of the Acts and appropriated tribal funds to sue the federal government.

At that time, all Creek legislation had to be approved by the President of the United States. President McKinley vetoed the Creek appropriation leaving the tribe without recourse to the allotment legislation and the contrived

abolishment scheme.

Present day district court has held the 1898 Curtis Act did abolish judicial power and that subsequent legislation, including the 1936 OIWA, did not re-establish tribal jurisdiction. The court further held that the Creek's attempt for constitutional challenge was not in a timely manner.

Susan Work Haney, Oklahoma Indian Legal Service's executive director and lead attorney for the recent Creek appeal has worked on the case, along with Standingbear since the beginning. She filed a "Friend of the Court" brief when the case was heard before the Board of Interior Appeals and also assisted in writing the brief that was presented before District Court.

She argued the June 1 hearing before a three-member panel of judges in Washington, D.C., pointing out that the Chickasaw, Choctaw and Seminole courts were not abolished by the 1898 Act as has been implied throughout the course of a century of redress and litigation.

The Creek's contention is that even if their courts were abolished, tribal sovereignty was left intact and the ability to reconstitute was, and still is evident; especially after the 1936 Oklahoma Indian Welfare Act and more importantly the ratification of the 1979 Creek Constitution. The Creeks also believe the 1936 OIWA contains implied revocation of the turn of the century Acts.

Haney feels the Court of Appeals hearing was favorable, but will not commit to predicting that an uncontested opinion might be ruled. Since there is no time limit for the judges to issue an opinion, it might be months or a year before one is issued. In the event the case is again decided unfavorably, the next step would be to request a review by the U.S. Supreme Court.

Bill seeks halt to IHS changes

Washington, D.C. - In response to what he termed a "firestorm" of protest over the Indian Health Service eligibility rule issued last fall, Senator John Melcher introduced a bill May 12 that would place a three-year moratorium on any changes in regulations that govern who may receive IHS-funded medical care.

In a statement accompanying the bill (S. 2382), Melcher contended that "...it would be foolhardy to move ahead with new eligibility regulations" without additional information about the impact on tribal populations. "Tribes must also be afforded an opportunity to recommend what, if any, changes

would be made." Melcher introduced the legislation just days after his return from Senate hearings in Montana May 3-4 on the IHS eligibility controversy.

The Melcher bill is the most recent action to be taken in the Senate to delay implementation of the IHS eligibility rule published last September 16. That rule would limit IHS-funded care to Indian or Alaska Native persons who are members of a federally recognized tribe and reside within a geographically-designated service area, with exceptions provided for certain Indian minors and other special cases. Existing regulations require that a person be of Indian descent (but not necessarily a tribal member) to receive direct services at an IHS or tribal facility. In addition, due to limited contract care funds, an Indian individual must meet a residency requirement, generally on or near a reservation, to be eligible for services under the IHS contract care program.

The new rule originally had been scheduled to go into effect March 16, 1988, with allowances made for a six-month "grace" period and other transitional consideration. However, Congress approved a six month delay as part of the 1988 continuing appropriations act, pushing back the effective date of the new eligibility requirements to September 16, 1988. The postponement was sought in order to provide congressional committees and Indian communities additional time to determine how the new rule will affect the Indian service population.

Tribes have not been properly consulted on the impact of the new rule, Melcher asserted. "This proposed change has created a firestorm in Indian country as individual Indian people have learned that they may lose the only health care available to them." Specifically, Melcher cited the recent meeting in Nashville, where some 300 tribal participants unanimously supported a resolution requesting congressional intervention on the IHS eligibility regulations.

The Melcher bill includes four key elements designed to provide a clearer understanding on the effect of changes in IHS eligibility criteria. First, the bill would impose a three-year moratorium on the implementation of any new rules which would change existing eligibility regulations. Secondly, it would require the Indian Health Service to conduct a study to determine the impact of any such changes. Third, the legislation directs IHS to consult with Indian tribes that would be affected by changes in eligibility. Finally, the bill requires the Secretary of Health and Human Services to report to Congress on the study so that "it

can evaluate the relative costs and benefits of any changes."

As provided in the bill, the eligibility study would require full participation and consultation with Indian and Alaska Native tribal governments. Further, the study would examine the health status, cultural, social, and economic impact on reservation and urban communities that would result from any changes in IHS eligibility criteria. The assessment would be completed within two years after enactment of the legislation.

Melcher urged that S. 2382 "be passed as soon as possible." "We still have a long way to go in achieving the goal we have to raise the health status of Indian people to a level comparable with the general population. Changes which would deny health care to Indian families who cannot arrange to pay for medical services would jerk the rug out from under them. That cannot be allowed," Melcher stated.

For its part, IHS is proceeding with plans to implement the new rule on September 16, 1988. Each area office has identified staff to coordinate implementation of the new regulations, and other activities are planned to assist with educating and training field staff and tribal health consumers about the new rule. If the rule goes into effect September 16 as presently scheduled, there will be a six month grace period whereby persons who would otherwise lose their eligibility, but still meet the residency requirement and have received care from IHS within the past three years, would continue to receive services. The rule would then become fully effective March 16, 1989.

Persons interested in commenting on eligibility, or obtaining additional information about the hearings, should contact Senate Select Committee on Indian Affairs: Hart 838: U.S. Senate: Washington, D.C. 20510-Phone: (202) 224-2251.

Cocopah Tribe Gets \$6.5 Million RV Park

The Cocopah Indian Tribe has entered into a joint partnership arrangement to build a \$6.5 million RV park project four miles west of Yuma, Arizona.

The 284-acre project, situated on Interstate 8 highway, will feature 800 full service RV spaces with parking, an 18-hole golf course, and 20,000 square feet of recreational buildings including crafts, cards, billiards, exercise, ballroom, snack bar and mini-market. The managing partner will be Resorts Southwest Partners, a Phoenix firm.

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Administration

The demands of operating a tribal government and providing services to tribal members and other individuals is similar to operating a small city or municipal government. The rigors and requirements of administering tribal government, managing state/federal grants and contracts, and providing oversight of tribal businesses and enterprises requires a tremendous amount of coordination and guidance.

The tribe employs a number of people to support and carry out daily and extended tasks to meet the goals and objectives set forth by the tribal government and tribal council initiatives. The tribal administrator oversees and directs the daily operations and makes decisions relating to fiscal control, reporting, grants and contract negotiations and meeting with representatives of various agencies and organizations.

The administrator must function as a control center for all related activities and "crisis" situations. Personnel that support this effort are important and effective in the daily operation of the tribe. The staff associated with administering the tribe is delegated a vast amount of responsibility. The current staff is perhaps the best educated and most experienced ever to be employed by the Citizen Band Potawatomi Tribe.

Consolidated Tribal Government Programs (CTGP)

The CTGP program is funded through a PL 93-638 contract with the Bureau of Indian Affairs. The contract for this year was for \$154,495. This contract included funding for Tribal Police, Tribal Rolls, a maintenance position, and the Museum Director's position.

The CTGP program has the following goals:

1. To provide police services for the tribe and the Tribal Court.
2. To provide a Tribal Rolls director to assist tribal members with enrollment, genealogy and research.
3. To provide a maintenance person to oversee the tribal parks and recreation areas.
4. To provide the Museum with staff to oversee and promote the tribe's museum and gift shop areas.

The functions of these projects are detailed in a separate section of this annual report. Each project is discussed separately.

Personnel

Acting as an integral part of the tribal administration, the personnel officer coordinates all daily matters involving tribal employees. The office is responsible for advertising position vacancies, developing job descriptions for the respective departments and directors, notifying applicants and scheduling interviews or reviews with the administrator and Business Committee.

Economic Development

The long range purpose of this activity is to provide businesses that will generate income to support the many programs in which tribal members participate.

Our plan is to acquire operating business concerns that have a proven track record of profitability and stability. The technique used in the acquisition is through a "leveraged buyout". The tribe will acquire a company largely with debt that ultimately is paid with funds generated by the acquired company. A very important aspect of tribal sovereignty is that our tribe can issue bonds for the purchase of companies. Trust funds and other tribal assets are not involved in these purchases.

Our development plan incorporates keeping existing management of acquired companies intact so that the success of past operations can be continued by management experience in that particular industry.

Our activities have been favorably received by a number of large New York investment banking firms as well as several large commercial banks.

The negotiations for these acquisitions are complex and take considerable time to work out all of the details. As acquisitions are made, the Business Committee will inform you through the *HowNiKan*.

Public Information Office

The tribal Public Information Office serves as a clearinghouse for information and assistance for tribal members, academics, media and community representatives, as well as supervising all tribal publications.

Over the past 12 months dozens of tribal members and interested citizens have received assistance from this office in conducting historical and genealogical research, locating family, contacting federal agencies and locating Native American assistance available in their area.

In the last year the Public Information Office has published 11 issues of the *HowNiKan*, averaging 16 pages per issue. Articles from the *HowNiKan* have been reprinted in newspapers and magazines from across North America. The *HowNiKan* captured awards from the Native American Press Association this year in the categories of typography and design, editorial writing, news coverage and overall general excellence.

In 1988 this office supervised publication of Father Jos. Murphy's 102 page

treatise on "The Benedictine Foundations of Sacred Heart Mission and St. Gregory's Abbey and College" which is now available through the tribal museum. Editing was also completed on Father Murphy's 340-page thesis on "The Potawatomi of the West: Origins of the Citizen Band" and publication is expected this summer as soon as independent indexing is completed. The Information Office is also currently typesetting and designing a parenting manual for the Indian child Welfare Department of the tribe.

Press conferences were held for the tribal store's grand re-opening after expansion and the dedication of Father Joe Murphy Drive. Promotional activities for Fire Lake, the tribal museum and tribal store and the 1988 pow wow have all been supervised by the Information Office. Staff members were also responsible for successfully petitioning the city of Shawnee, city of Tecumseh and Pottawatomie County Commission to designate June 24, 25 and 26, 1988 as Citizen Band Potawatomi Days. In July, 1988 this office will be working with an independent college TV station from Texas to create a documentary on the Citizen Band.

Staff members of this office represent the tribe in the Native American Press Association and Native American Press Archives, as well as sitting on the Board of Directors for the Native American Publishing Company in Nevada. The Potawatomi Public Information Office also serves as a clearinghouse for the United Indian Nations of Oklahoma. Additionally, office staff authored two grants in 1988 for archives assistance funding in 1989.

Tribal Rolls

The office of Tribal Rolls has enrolled 56 new members since June, 1987. Upon enrollment, a tribal membership card, a copy of the Tribal Constitution, a copy of the Tribal Charter, a letter of enrollment signed by each member of the Business Committee and information on the history of the tribe is mailed to each new member. Tribal Rolls has assisted many walk-in visitors in researching the history of families and documenting appeals for blood degree changes.

The Tribal Roll is completely computerized. The computer system has been instrumental in increasing the efficiency of tribal roll updates and providing information for programs within the administration.

Scholarship Foundation

Serving as the administrator of the Scholarship Foundation, the office of Tribal Rolls awarded 178 scholarship totaling \$38,468.17 during the 87-88 Fall and Spring semesters. Persons from 19 different states were awarded scholarships.

The Scholarship Foundation has concentrated its efforts on public awareness of available assistance. Through advertising in the *HowNiKan* tribal paper and circulation of information at Regional Council meetings we have increased the number of tribal members utilizing this benefit.

Tax Commission

The tribe has a firmly entrenched tax division, administered and operated on a continual basis. The Potawatomi Tax Commission is the regulating authority and provides the necessary oversight in the collection, accounting, and administration of tax dollars. Our program has been used as a model for other tribes in the development stage.

Taxation is an essential governmental activity and stimulates the ability and growth of a government. Tax dollars benefit the tribe in many forms, such as sponsoring regional councils to bring the government to the people, and supplementing the total cost of government operations necessary to operate the tribe. Tax revenue also represents a tribe's ability to not rely completely on federal/state program dollars to support the functions and administration of the tribe. This tribe can realistically lessen the dependency on non-tribal monies. Tax funds are not encumbered by state or federal contracts or grants.

We have become increasingly independent of the state of Oklahoma and the federal government. The effort to increase tax dollars by attracting business and industry will continue. We are now better equipped to enforce and regulate tribal law through our court system.

Tribal Court Program

The Tribe has established a Tribal Court which functions as a judicial arm of the tribal government. In order to exercise authority over a wide range of tribal and domestic matters, the tribe has relied on judicial precedent to establish a court system.

Tribal authority is based on its Constitution, the Constitution of the United States, and the unique relationship of American Indian Tribes and the United States. In the exercise of tribal sovereignty and self-government, the tribe has approved and duly adopted codes and ordinances. Judicial officers as well as other court staff see to it that these laws are administered. Legal proceedings are conducted on a continuous basis.

Police And Security

This department consists of three patrol officers and two security officers. The police officers are cross-deputized through Pottawatomie Sheriff Paul Abel. Our patrol officers have also had Special Officer Cards issued to them by the criminal

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investigator for the Bureau of Indian Affairs.

The Tribal Police and Security patrol Potawatomi tribal land twenty-four hours a day, seven days a week, including all of the tribal complex and the grounds of the complex such as the golf course, warehouses and Tribal Store.

Accounting

The accounting office is responsible for fiscal maintenance of all tribal programs. This department consists of 3 accountants. Every transaction is generated by a fully computerized management program and all financial reports are generated by the computer.

The accounting department produces all monthly, quarterly and annual reports. Daily input of transactions provides for current balances of every program.

Monthly revenue, expenditures and budget analysis are produced for each tribal program and are presented to the Business Committee each month.

Personnel payroll records are maintained by the accounting office and a current and accurate record of each employee is on file.

Procurement

A code of Procurement Policies and Potawatomi Preference policy has been implemented in accordance with federal regulations.

Computer Services Department

The Computer Services Department provides hardware, software and managerial and technical services to the tribal administration, the tribe's federal programs and enterprises.

Current projects of the department include:

Women, Infants, Children/Food Distribution Program offices are in the process of being connected to the main system with 5,000 ft. of underground cable.

A new payroll package is in the coding and testing stage, with a delivery date of June 15, 1988. This modern, less complex, package will increase user productivity.

General Ledger (G/L) software is under review. We are looking for a new G/L package or a better report generator which would work with our current G/L package.

Hardware maintenance services and costs are being compared. The goal is to determine if IBM or another vendor should be contracted. IBM is the current vendor.

Equipment changes:

An uninterruptable power source, (UPS), has been added. Since installation no data scrambling has occurred and the system has not shut down. Prior to this we were always in the process of repairing damaged data which takes a great deal of time.

Terminals and printers have been moved and added. This was done to meet federal specifications and user needs.

The system configuration has been changed so no "ghost" terminals or passwords exist.

Software additions and upgrades:

A new Women, Infants and Children voucher tracking system has been tied into our current WIC voucher system. The new system tracks the status and other information on all vouchers issued after January 1, 1988.

Acceler 8/36 software product was installed to speed up long operations which slowed the system and hindered users. Operations which used to take 10-20 minutes now take 30-90 seconds without slowing system.

All software packages have been brought up to date.

Documentation:

A user's manual has been written.

A log book has been kept. It contains software problems encountered and how to overcome them, how to run more complex jobs and helpful notes.

Community Health Representatives (CHR) (Indian Health Service)

Contract: #246-88-0015

Dates: November 1, 1987 through October 31, 1988

The Community Health Representative Program continues to be the cornerstone of the Citizen Band Potawatomi Health Services Department. This program allows us to continue the following activities:

1. Medical Certification for children and their mothers in the Women, Infants and Children (WIC) program.
2. Immunization follow up and tracking.
3. In-home nursing care.
4. Medication deliveries.
5. Local medical emergency transports.
6. Staff to administer car seat and cheese and butter programs.
7. Chronic illness screenings such as blood pressure and blood sugar.

Infant Child Care Seat Loan Program (Indian Highway Safety Project)

Grant: #BOBG14208503821

Dates: May 1, 1988 through April 30, 1989

This program will provide approximately 100 new infant and child car seats, bringing our working total to 300 seats. All Indians in the tribal area are eligible for these seats which are provided to parents with new babies for up to one year. Seats are distributed after the parent attends a one hour presentation and demonstration.

Oil Refund Monies (Oklahoma Indian Affairs)

Grant: P800 010

Dates: Open

These funds are being used to help Citizen Band Potawatomi Indian elderly by purchasing fans and assisting in other energy related areas. If you have any questions please contact our CHR department.

Substance Abuse Program (Indian Health Services)

Dates: October 1, 1987 through September 30, 1988

This program was funded through the Indian Health Service as the result of government interest in curbing the mounting drug problem.

It is our belief that the best way for us to help our people is by prevention. Therefore we have started a child oriented prevention program. We are using the BABES, Beginning Alcohol and Addiction Basis Education Studies, a National Council on Alcoholism program. With the use of 10 puppets and four presenters this program will be presented to children ages four (4) years through eight (8) years.

Since this program is only able to provide one staff member we need volunteers in the Pottawatomie County area.

Health Aides Foundation (HAF) (Citizen Band Potawatomi Resolution POT 77-3)

Date: Open

The Health Aides Foundation continues to provide services to tribal members by assisting them with the purchase of devices such as eyeglasses, hearing aides, dentures and prosthetic devices. During the last year we have served 350 tribal members. The twelve months prior saw only 137 tribal members served.

Overall there has been a 155% increase in the number of tribal members served and an increase of 28% in device expenditure. This program is for you, the Citizen Band Potawatomi Indian tribal member, please contact us for an application.

CONTRIBUTIONS: ANY TRIBAL MEMBERS WHO WISH TO CONTRIBUTE TO THE PROGRAM WITH TIME OR MONEY PLEASE CONTACT KEN CADARET OR JOYCE ABEL.

Indian Child Welfare Act (ICWA) (Bureau of Indian Affairs)

Grant: #B00G14206048

Dates: October 1, 1987 through September 30, 1988

The Citizen Band Potawatomi Indian Child Welfare Program has successfully completed its first year of a three year funding cycle. We are currently in year two of this cycle.

The overall goal of this program is to assist Indian families with maintaining the family unit. During this year we will arrange for Foster Care Payments from the State of Oklahoma and further our relationship with the Citizen Band Potawatomi Court towards efficient functioning.

The most important accomplishment will be the start of our Native American Parenting Classes. These classes will work with our young parents to assist them in developing good parenting skills. The text "Native American Parenting Skills", which was edited by Ms. Elenora Noah M.S., Citizen Band Potawatomi Indian Child Welfare Worker and published with a grant from the Presbyterian Church will be utilized. Mrs. Joyce Abel R.N., a Citizen Band Potawatomi Indian tribal member, will be the instructor.

Elderly Nutrition Program, Title VI (Administration On Aging)

Grant: #90AI055601

Dates: April 1, 1988 through March 31, 1988

This program ended a three and a half year funding cycle on March 31, 1988 and started a one year cycle on April 1, 1988. Nutrition and socialization are the goals of this program. Nutrition services are provided by meals served at the Citizen Band Potawatomi Indian Fire Lodge to our elderly and their spouses. For those who are homebound we provide home deliveries. Fifty meals are provided daily.

Social activities include table games, oil painting, dancing and arts and crafts. These activities are being provided on a rotating schedule all year long. Additional supportive services are provided such as phone calling to check

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on the homebound, transportation to and from the nutrition site, discounts and advocacy.

Funding for this type of program is steadily decreasing to a point where we are now funded at 25% less than our original grant.

We are always looking for Citizen Band Potawatomi Indian Tribal members to join us to eat. Please contact us for further information.

Women, Infants and Children's Program (WIC)

The WIC Program's primary goal is to provide an educational input into the dietary needs of the service population which is pregnant women, infants and young children. The program offers educational materials, nutrition counseling, and supplemental food package purchases in order to meet the needs of individuals who have special nutritional risks.

The program is funded by the United States Department of Agriculture through a grant contact for this year in the amount of \$612,000.00. The central office located inside the Potawatomi Food Distribution building on Hardesty Road. A series of satellite offices are maintained to meet the needs of individuals in the outlying service area such as Oklahoma City, Stroud, Wewoka and Perkins.

The direct benefit to the program participants is a supplemental food package designed to aid in the correction of poor nutritional intake. The long term affect is a collection of knowledge and familiarity in proper preparation of the family diet as it relates to nutritional values in the prevention of childhood diseases or problems associated with poor nutrition.

The cooperation of the all local retail food vendors is essential since the supplemental food packages must be purchased by the participants on an individual voucher basis. The WIC participant will receive educational counseling from the program along with a food voucher whereby the nutritional information may impart a reliable knowledge of proper food purchases from the vendor.

The continued support of programs such as the WIC program is necessary for the long term benefits that can be achieved.

Job Training Partnership Act (JTPA)

The Job Training Partnership Act (JTPA) (PL-300) was passed on October 13, 1982 to establish programs to prepare youth (Title IIB) and unskilled adults (Title IV) for entry into the labor force and/or to encourage continuation of education by providing job training to economically disadvantaged Indians facing serious barriers to employment, or who are in special need of such training to obtain productive employment.

JTPA is federally funded by the U.S. Department of Labor, Division of Indian and Native American Program (DINAP) Agency. It is recognized that job training is an investment in human capital and not an expense.

The Citizen Band Potawatomi JTPA Programs, Title IV and Title IIB service area consists of Payne, Pottawatomie, Cleveland and Lincoln Counties. The reporting period is July 1, 1987 through June 30, 1988.

EMPLOYMENT AND TRAINING PRIORITIES:

In planning the JTPA staff has developed linkages with area education institutions, (secondary and post-secondary), the Department of Human Services, and State Employment Services. The Citizen Band Potawatomi JTPA program has been designed to the particular needs of the service area population.

CLASSROOM TRAINING:

To provide vocational/educational training in the area of higher interest and where employee availability falls short of labor market demands:

Total participants: 24

Entered employment: 7

Positive terminations: 3

Other terminations: 9

WORK EXPERIENCE:

To provide work experience opportunities to those participants who are just entering the job market or who have been out of the job market for an extensive period of time.

Total participants: 32

Entered employment: 19

Positive Terminations: 7

Other Terminations: 6

ON-THE-JOB-TRAINING:

To provide participants who possess the skills and experience necessary to secure employment but who due to other factors have been unable to secure employment. Positions are developed to encourage public or private industry to hire and train participants.

Total participants: 15

Entered employment: 11

Positive terminations: 3

Other terminations: 1

COMMUNITY SERVICE EMPLOYMENT:

Participants selected for this activity will possess basic skills and experience

necessary to secure employment and will have recently been active in an employment situation but are now unemployed. Positions developed in this activity will offer the participant an excellent opportunity for permanent employment.

Total participants: 3

Entered employment: 3

Other terminations: 0

Summer Youth Employment Training Program-Title IIB

The Citizen Band Potawatomi Summer Youth Employment Training Program for program year July 1, 1987 through September 30, 1987 provided employment and educational components to eligible economically disadvantaged Indian youth residing in our service area.

The Summer Youth Employment Training Program for 1987 in conjunction with the Citizen Band Potawatomi Tribe of Oklahoma has essentially met the stated objectives of the approved program:

To provide employment to 90 youth identified as being economically disadvantaged.

Total employment was provided to 113 youth in a four county area of Cleveland, Pottawatomie, Payne and Lincoln. Although the base number was 90, the additional monies allocated due carry-over funds enabled the establishment of the additional 20 positions.

To provide training in the area of job skills, career development opportunities, etc.

39 job sites were developed for training. Job sites included the following position descriptions:

Maintenance Helper

Custodial Helper (intended for 14-15 year olds)

Clerk Typist

Cashiers

Clerical Assistants

Lab Assistants

Although the aforementioned job descriptions are basic, the duties were varied and a multitude of learning situations were developed. Each respective duty and individual thus incorporated for a general scope of the general job descriptions.

Approximately 3% of the total participants were offered ongoing job opportunities with their employer.

On the job counseling was provided to the participant as indicated upon request of the employer or as indicated on their bi-weekly performance ratings.

A workshop was held during the onset of the youth program which entailed job orientation. Topics discussed were program requirements as to tardiness, discipline procedures, grievance procedures, etc. This session utilized the efforts of the administrative staff and prospective employers.

The workshop held at the end of the training period involved student as well as outside resources. Career opportunities utilizing personal resources was discussed whereby the participant should assess him/herself and then determine goals and objectives. In addition, youth resources were used to provide information which related to the participants those activities that can preclude one's career goals and objectives.

The Summer Youth Employment and Training Program is a worthwhile experience in which Indian youth participate. The financial resources for Indian young people in the State of Oklahoma are limited; those who are economically disadvantaged are even more plagued by the factors that happen upon the disadvantaged. However, it is very enlightening to see young people mature through the nurture of caring individuals who have exchanged their need of labor for the opportunity to train an Indian youth in need. Although there are limited figures to indicate this objectively, this maturity can be observed as the program continues.

Low Income Home Energy Assistance Program FY-88 (LIHEAP)

October 1, 1987 through September 30, 1988

The LIHEAP program is funded through the Department of Health and Human Services, Office of Energy Assistance, Washington, D.C. FY-88 grant awards totaled \$4,655.

The Citizen Band Potawatomi LIHEAP Program was designed to assist low income Indian households with costs of energy assistance throughout the fiscal year. Both summer and winter seasons in our geographical area result in life threatening situations due to extreme temperatures.

Funds were available beginning January 1988. As of this date a total of 19 households have been assisted. Of this number ten (10) households contained elderly Indians over the age of 60.

Fire Lake Golf Course

The tribe recently appointed John Lair to the position of golf pro and manager of Fire Lake. Mr. Lair is a 1976 graduate of Cameron University where he majored in agronomy and turf management. Mr. Lair is also a member of the

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Professional Golfers Association of America (PGA) and is a graduate of their business school. His professional experience includes stints at Quail Creek Golf and Country Club, White Mountain Golf Course in Rock Springs, Wyoming and, most recently, Caddo County Golf and Country Club. Mr. Lair is already proving to be a valuable asset to the tribe and we are extremely pleased to have him on the staff.

In addition to a new golf pro, Fire Lake has also recently acquired fifty new Yamaha golf carts on a lease/purchase agreement with Riley Parr Golf Car Company. These new golf carts are expected to reduce maintenance costs while providing the golfers with reliable transportation around the golf course. The response to the new golf carts has been extremely favorable.

Over the past year, Fire Lake has instituted a play-by-ticket system which has proved beneficial in reducing the number of walk-on players on the course. We have also begun marshalling the course to check players' receipts and make sure the carts are kept on the cart paths. This will help insure that the greens are kept in good shape.

We have begun construction on more new cart paths. Having just completed the path on #17, we are beginning on #10, #15, and #18.

The changes made at Fire Lake this year have really enhanced the course and tribal members can be very proud of our golfing facility - the only public course in the county.

Museum & Trading Post

From July, 1987 through May, 1988, 1,164 visitors signed the guest book and enjoyed the displays in the Museum. Eleven organized group tours were conducted during this period. We are proud to have been able to help expand area awareness of Native American culture. Although group tours were not limited to youth, we are especially pleased to have had so many interested youth groups.

The Museum continues to receive donations of family artifacts for display. One important donation was made by a non-tribal member. A Cherokee man that does craft work for the Museum Gift Shop/Trading Post brought us a large (corner) stone from one of the original buildings at Sacred Heart dated 1891.

We have endeavored to become more involved in the arts this year through participation in Native American art displays as well as support and encouragement for promotion for tribal artisans.

The Museum proudly hosted a reception honoring Fr. Joe Murphy in conjunction with the dedication of Fr. Joe Murphy Drive. We also proudly became distribution center for his book, "The Benedictine Foundations of Sacred Heart Mission and St. Gregory's Abbey and College."

Extensive work, heavily assisted by tribal maintenance staff, has been under way this year on the Doyle Owens Memorial Wing of the Museum. Among the completed projects are electrical, painting, rock & concrete work, carpeting, heating and air-conditioning, corrective roof and drainage work.

Ongoing growth and expansion of retail goods in the Museum Gift Shop/Trading Post has contributed to extensive community support for that tribal enterprise. Representation at the Regional Councils has been well received. This positive support encourages us. Mail order requests have also steadily increased. Among our most prized accomplishments this year is becoming an authorized Pendleton outlet.

Tribal Convenience Store

The tribal convenience store continues to be an extremely strong business providing the tribe with broad economic and public relations benefits. There are eleven people now employed by the store in various capacities. The store has generated total revenues of \$2,964,424.13 since July, 1987 of which \$1,998,369.19 were cigarette sales and \$758,002.09 were gasoline sales. The store has paid \$63,892.27 in retail sales tax to the tribal tax commission this year to be used to support the tribe. Beer sales of \$83,229.48 also make up a good portion of the store's revenue and the tribal store is the number one convenience store customer of Bryson (Bud Beer) Distributor in 5 counties, second only to Pratts Grocery store in the grocery store category. Additions to the tribal store this year include public restrooms outside the store and also a fountain drink machine.

Annual Report Of Tribal Attorney

June 16, 1988

Michael Minnis, Tribal Attorney

Report to General Council from July 1, 1987, to June 25, 1988.

During the past fiscal year, the tribe has been very active in judicial and quasi-judicial proceedings. As a result, litigation expenses have continued at a high level.

Although the tribal attorney provided continuing advice to the members of the Business Committee on a variety of matters, most of the tribal attorney's expenses have arisen in connection with litigation and the investigation of alleged improprieties at the tribal convenience store.

Litigation

The litigation can be divided into three main areas:

I. The first group involves four cases each arising out of the tribe's ongoing effort to regain control over the tribal bingo game. Control over the game was

wrested from the tribe in 1984 by Enterprise Management Consultants, Inc., an Oklahoma corporation controlled by John Clark Caldwell, III, and Leroy Wheeler. To date, efforts to reassert tribal control over the tribal bingo hall have been frustrated by the federal judiciary which seems reluctant to enforce the law.

II. The second area is the opening round in the Oklahoma Tax Commission's effort to finish the disestablishment of the Indian tribes in Oklahoma by attempting to assess the tribe with a cigarette tax for alleged sales by the tribe from 1981 through 1985. This suit will eventually be in the appellate courts. Litigation with Oklahoma will inevitably continue. This is the cutting edge of the tribe's fight to protect its remaining sovereignty.

III. The third area was the removal of Vice-Chairman Toby Kinslow from office for violation of the tribal constitution and ordinances.

Litigation Summary

In general, our goal in litigation has been to achieve the best result for the tribe in the quickest possible time and to assist non-lawyers for the tribe in the quickest possible time. To assist non-lawyers in evaluating this report, the summary set forth below has been prepared.

1. Goals Obtained:

(a) **BIA appeal** - This appeal was decided in the tribe's favor after 185 days.

(b) **Dismissal of Enterprise suit** - This suit was decided in the tribe's favor after pending for 106 days. This is about as quickly as any party can end litigation. The suit was filed on December 18, 1987. The tribe promptly moved to dismiss, and an order granting that motion was entered March 29th.

(c) **OTC mandatory injunction** - The tribe obtained a mandatory injunction within eight days of a request for a show cause order. The tribe asked for a show cause hearing that the OTC was violating the preliminary injunction on or about September 21st. The tribe obtained a mandatory injunction compelling the OTC to notify other states that it was not a violation of Oklahoma law to sell unstamped cigarettes to the tribe.

(d) **OTC permanent injunction** - In shortly over a year (443 days), the tribe obtained the permanent injunction sought. A preliminary injunction preserved the status quo until the court entered a permanent injunction on May 6, 1988. The OTC was permanently enjoined from "assessing any state sales taxes against and/or collecting any state sales taxes" from the tribe. This result is beyond even what the tribe sought in the complaint.

(e) **Kinslow appeal** - The tribe's action was affirmed on appeal after a 142-day period. On October 19, 1987, Kinslow filed a notice of appeal of the tribe's removal of Kinslow from office. This appeal was fully briefed and ultimately decided February 17, 1988.

2. Goals Not Yet Obtained

(a) **Tribe's motion for partial summary judgment** - The tribe's motion for partial summary judgment has not been decided. The motion has been pending since June 17, 1986, that is, for over two years (730 days). Because the court has refused to rule in this case, the tribe has incurred tremendous litigation expenses.

(b) **OTC declaratory judgment** - The OTC was able to obtain a declaratory judgment in the tribe's suit against the OTC. This is potentially a very dangerous decision for the tribe because it would emasculate the federal courts as an avenue to redress tribal grievances. The tribe's motion for a new trial on this matter is pending. In any event, the ruling will be appealed.

Litigation Details

Hereafter, a more detailed report is made concerning each judicial or quasi-judicial proceeding.

1. U.S. EX REL. THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA v. ENTERPRISE MANAGEMENT CONSULTANTS, INC. U.S. DIST. CT. W.D. OKL. NO. CIV-86-1171-B.

In April of 1986, the BIA published guidelines for reviewing Indian bingo management contracts and told the tribes to get their management contracts in line with these guidelines and submit them for BIA approval. Consistent with this BIA directive, the tribe attempted to negotiate a new contract with Enterprise which met the BIA guidelines. After several meetings, Enterprise announced that it had no intention of entering into any agreement which would meet the BIA guidelines and broke off negotiations. During the process of negotiations, the tribe learned that Enterprise had not been paying any rent as promised in the original lease agreement. Accordingly, the tribe filed suit to have the court declare the bingo management agreements with Enterprise null and void because not approved as required by federal law, have Enterprise account for the monies received under the invalid contracts, have Enterprise pay for the accrued rentals plus interest, and have the lease with Enterprise declared terminated. After filing suit, the tribe asked the court to enter partial summary judgment, to-wit: declare that the management agreements were null and void because never approved by the BIA. The court has yet to finally rule on this motion. If the motion is granted, this suit will be effectively over except for a calculation for the amount of damages owed the tribe by Enterprise. This case was administratively closed on April 10, 1987, to allow Enterprise to administratively appeal the BIA's disapproval of the 1985 Management Agreement. Enterprise has lost its appeal at two levels (i.e. the Department of Interior and federal district court). The only avenue left to pursue an appeal is

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the Tenth Circuit. Such an appeal would have to be filed by June 22nd. Unless the Tenth Circuit sooner intervenes, this case will not be active until the administrative appeal has been exhausted.

On April 28, 1988, the tribe moved to reopen the case for the limited purpose of having the district court judge rule on a motion to disqualify himself from continuing to preside over this case. This motion was not formally opposed by the defendant nor has the court acknowledged it. Further, on May 27th, after another federal district judge dismissed Enterprise's appeal of the BIA's refusal to approve the contract, the tribe filed a motion to reopen the proceedings and reurged its motion for partial summary judgment. In response, Enterprise has asked to stay all proceedings until Judge Alley's dismissal of Enterprise's suit can be appealed.

- a. Complaint filed May 27, 1986.
- b. Plaintiff's motion for partial summary judgment filed June 17, 1986.
- c. Administratively closed Apr. 10, 1987.
- d. Motion for recusal filed April 28, 1988.
- e. Motion to reopen filed May 27, 1988.

This suit has been pending for 759 days or 2 years and 29 days. The motion for partial summary judgment is still pending after 730 days.

2. IN RE: APPEAL TO ASSISTANT SECRETARY OF THE INTERIOR FOR THE BUREAU OF INDIAN AFFAIRS FROM DECISION OF AREA DIRECTOR DISAPPROVING BINGO MANAGEMENT CONTRACT.

When the Tribe and Enterprise signed the 1985 bingo management agreement, a provision was inserted that both parties would seek approval of the contract from the BIA. However, despite this written language, Enterprise continually told the tribe not to submit the contract because Enterprise had sufficient political influence to see that the contract was approved without submission by the tribe. Enterprise knew the contract was not in the tribe's best interest and did not conform with BIA guidelines concerning bingo management contracts. The 1985 Management Agreement has never been approved by the BIA. However, in an extraneous aside to a series of orders issued December 3rd in Potawatomi v. Enterprise, Judge Bohanon ordered the parties to submit the 1985 Management Agreement to the BIA. This order was clearly in conflict with Judge Bohanon's other order dismissing Enterprise's counterclaim for specific performance of the 1985 Management Agreement clause calling for the parties to submit the contract to the BIA. Thus, the tribe filed a motion for clarification. That motion has never been decided. Nevertheless, Enterprise submitted the 1985 Management Agreement to the BIA which subsequently disapproved the contract. Enterprise then filed an administrative appeal to the Assistant Secretary of the Department of the Interior for Indian Affairs. On October 13, 1987, the Assistant Secretary denied Enterprise's appeal. On December 14, 1987, Enterprise filed suit in federal court appealing the Assistant Secretary's decision (see No. 3 below).

- a. Enterprise asks the BIA to approve the 1985 Management Agreement Dec. 9, 1986.
- b. BIA disapproves contract on Feb. 11, 1987.
- c. Appeal filed Apr. 11, 1987.
- d. Decision rendered October 13, 1987.

The administrative appeal was decided in the tribe's favor after pending for 185 days.

3. ENTERPRISE MANAGEMENT CONSULTANTS, INC. v. UNITED STATES OF AMERICA, ex rel DONALD HODEL, SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, et al.

On December 14, 1987, Enterprise filed suit against the Department of the Interior and the tribe requesting the court to enter judgment that the contract between Enterprise and the tribe should be approved.

On January 13, 1988, the tribe filed a motion to dismiss and for sanctions. The tribe's motion was granted and the tribe was dismissed from the suit on March 29, 1988. In April the U.S. filed a motion to dismiss which was granted May 23, 1988. Any appeal by Enterprise would have to be filed on or before June 22, 1988.

- a. Complaint filed December 14, 1987.
- b. Motion to dismiss by the tribe filed January 13, 1988.
- c. Order dismissing the tribe entered March 29, 1988.
- d. Motion to dismiss filed by federal defendants April, 1988.
- e. Order dismissing the suit entered May 23, 1988.

This suit was decided in the tribe's favor after pending for 106 days.

4. THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA v. THE OKLAHOMA TAX COMMISSION, U.S. DIST. CT. W.D. OKL. NO. CIV-87-0338-W.

On February 1, 1987, the Oklahoma Tax Commission (OTC) served a proposed \$2.6 million cigarette tax assessment on the Chairman of the Business Committee. As subsequently developed, this was clearly a mistake. After the tribe filed suit against the OTC seeking an injunction against the proposed assessment, the OTC immediately changed the assessment to the tribe. After a hearing and following the filing of briefs, the tribe's request for a preliminary injunction was granted. The parties thereafter stipulated to all material facts and submitted the case to the court on briefs.

Before the court had decided the case, the State of Oklahoma conspired with

the taxing agencies in Kansas, Texas, Tennessee and Arkansas to cut off the flow of cigarettes to the tribe from distributors in those states. The tribe immediately moved for a hearing to determine whether the State of Oklahoma was in contempt of the earlier injunction issued by the court. After a hearing in which tax authorities from Tennessee, Kansas and Texas all testified, the court determined that the OTC had violated the injunction and entered a mandatory injunction that the OTC was to notify every entity requested by the tribe that the OTC could not interfere with the sale of cigarettes to the tribe.

On May 6, 1988, Judge West entered a permanent injunction barring the Oklahoma Tax Commission from assessing the tribe with a tax. Further, Judge West has declared that the tribe is to cooperate with the OTC in collecting and remitting cigarette tax on cigarette sales by the tribe to non-tribal members. However, the court's judgment declaring the tribe is to cooperate with the OTC has been stayed pending resolution of the tribe's motion for new trial. While this motion pends, the temporary injunctions previously entered by Judge West remain in effect which bar the OTC from using any of its regulatory powers against the tribe. The tribe's motion for new trial was filed May 16th. The OTC has filed a response brief. Thus, the motion is ripe for decision and could be decided any day.

- a. Complaint filed Feb. 18, 1987.
- b. Preliminary injunction granted Mar. 10, 1987.
- c. Mandatory injunction September 29, 1987.
- d. Permanent injunction entered May 6, 1988.
- e. Motion for new trial filed May 16, 1988.

This suit has been pending for 493 days or 1 year and 128 days.

5. TOBY KINSLOW v. THE BUSINESS COMMITTEE OF THE CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA, Supreme Court of the Citizen Band Potawatomi Indian Tribe of Oklahoma, No. 87-01.

On August 27, 1987, four members of the Business Committee (John A. Barrett, Jr., Bob Davis, Francis Levier and Hilton Melot) approved a motion to convene a formal hearing to consider the removal of Toby Kinslow as Vice-Chairman of the Business Committee for eight alleged acts of misconduct in office. On September 30, the Business Committee convened to conduct a formal hearing. At the conclusion of the evidentiary stage of the formal hearing, the Business Committee adjourned to consider the allegations against Kinslow. Upon reconvening the public hearing, the Business Committee announced that by a unanimous vote it found by clear and convincing evidence that Kinslow had committed six acts of misconduct in office, each one of which was a basis for removing Kinslow from office. The six counts included five separate instances of criminal defamation and one charge of obstruction of governmental function. Kinslow was then formally suspended from office. Under the Constitution, Kinslow had a right to appeal the findings and suspension to the Tribal Supreme Court.

On October 19th, Kinslow appealed arguing that he was denied due process from his removal because the other members of the Business Committee presented testimony for consideration in the hearings. The claim was a challenge to the tribal Constitution, specifically Article 9 of the Constitution which allows that "any elected body of the tribe...shall remove any of its members from the office for misconduct in office as defined in the Recall and Removal Ordinance... By a unanimous vote of the remaining members of that body." Kinslow argued the tribal members who approved the Constitution could not or did not anticipate a self-purging action when members of the body at issue are witnesses or victims of the alleged misconduct. In upholding the tribal Constitution and denying Kinslow's argument that the Constitution had been violated, the court said:

"It is difficult to imagine that the framers (tribal members) did not anticipate a circumstance where a member of an elected body is accused of misconduct when another member or members of that body is a victim or witness to that misconduct. In effect, appellant urges that we adopt a Constitutional rule which would silence members of the Business Committee who may be aware of misconduct in office by the other members of that Committee. In some case, misconduct may be discovered only because a member of the elected body at issue is going to come forward with evidence to support the charges."

Opinion, p. 8.

Kinslow also challenged the sufficiency of the evidence to support the six counts upon which he was removed from office. The court first focused on the obstruction of governmental function charge and determined that there was clear and convincing evidence to support the Business Committee's conclusion as to the obstruction of governmental function charge. In exercising judicial restraint, the court did not rule upon the sufficiency of evidence as to the other five counts because under the Constitution the finding of one act of misconduct is sufficient to support removal from office.

On March 9, 1988, the Supreme Court issued its mandate and the Business Committee removed Kinslow from office.

This action was decided in the tribe's favor after pending for 142 days.

INVESTIGATION OF CONVENIENCE STORE

On or about October 6, 1987, the Office of Inspector General (IG) for the Department of Interior began an extensive audit of tribal enterprises. Early in the

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investigation it became clear that the focal point of the audit was the tribal convenience store. It was also clear that the audit was at least partially politically motivated because it was apparently based on documentation provided by Toby Kinslow to the Federal Bureau of Investigation (FBI). This was the same activity which constituted part of the charges leading to Kinslow's dismissal from office. Although the FBI and the IG's office appeared to have begun the investigation with preconceived results, Kinslow had testified at his removal hearing that the documents did not implicate any present or past tribal officials. Because the IG and FBI refused to keep the Business Committee apprised of the investigation, the Business Committee began an independent investigation into the convenience store operations.

The focal point of the investigation was a September 1986 shipment of cigarettes which, at least with the documentation available, seemed to imply that more than \$26,000 in cigarettes had been wrongfully diverted. Despite investigations by the tribe, IG and FBI, no credible evidence has been publically revealed which clarifies if and why the suspected diversion occurred. As a result of the tribe's investigation, new auditing procedures were implemented by the tribe. Further, the investigation resulted in the subsequent resignation of the convenience store manager and the termination of a former assistant manager who was then the head of the WIC program. The store manager resigned after having been on suspension for six months pending the outcome of the investigation. The assistant manager was terminated after she told tribal officials she had falsified tribal records on the September 1985 shipment.

To date, no one employed by the tribe has been indicted or charged, and the investigation by the IG has not officially terminated. The tribe's independent investigation ended in January when the IG refused to provide the tribe with a report and essentially prevented the tribe from interviewing witnesses.

This investigation has been pending for 254 days.

TRUST LANDS

In early 1987, the tribe asked that the United States take three tracts of land in trust for the use and benefit of the tribe. The three tracts of land were:

(a) 16.26 acres (Roubison land) which adjoins the northeast corner of the tribal golf course;

(b) 60 acres (Hardin allotment) which is located on the east side of the tribal complex; and

(c) 6.9 acres (Maranatha land) which currently houses the elderly housing.

On March 23, 1988, the tribe was notified that all three pieces of land would be taken in trust by the United States for the benefit of the tribe upon the completion and meeting of certain title requirements. A number of these requirements necessitated the employment of a surveyor to locate easement lines across all the property and for the tribe to determine whether or not these easements would interfere with the intended use of the property. On May 31, 1988, the surveyor completed his report and it was determined that none of the easements would interfere with the intended use of the property. Several technical requirements to make corrections in the abstract were also required and have been met. The abstract is currently being brought up to date and - once completed - all of the documents will be resubmitted to the BIA. If the BIA finds the documents in order, these three tracts of land will be placed in trust by the tribe.

Additional matters:

1. Three proposed business ventures and a lease-purchase agreement with Parr Golf Car Company.

The tribe has entered into negotiations with a number of entities to purchase

their businesses on behalf of the tribe. As tribal attorneys, we have been involved in many of the negotiating processes. This has included the review of proposed agreements, the application of the laws as they pertain to the tribe and the tribal corporation, etc. We also structured a lease/purchase agreement which was used to purchase fifty new golf carts for the tribal golf course.

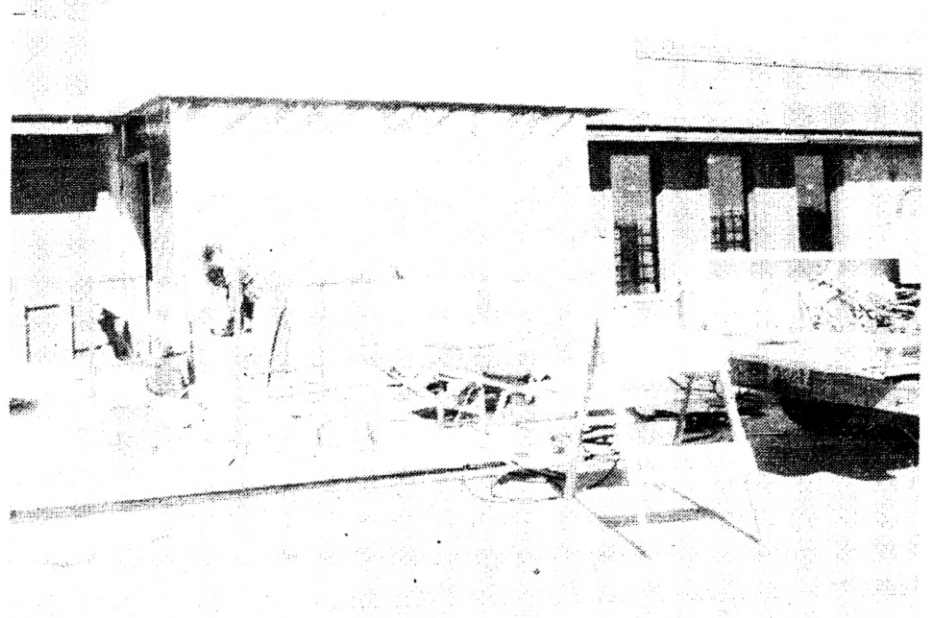
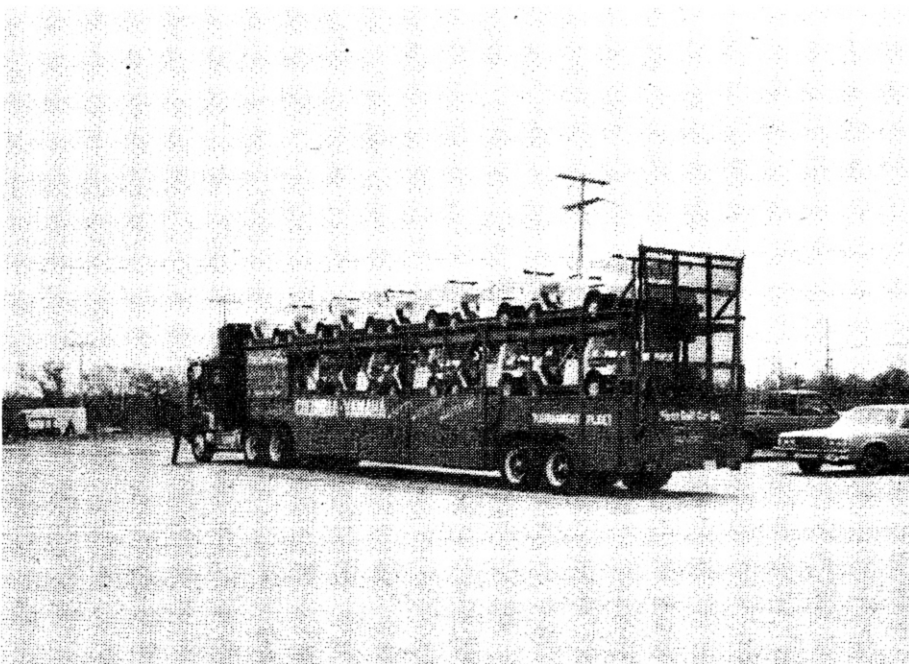
2. Ordinances - (1) debarment, (2) UCC, (3) citizens' complaints, and (4) dangerous weapons.

In the past year, the tribe has adopted part of the Uniform Commercial Code and updated its criminal code to make it a crime for a person to carry a dangerous weapon on tribal land. The need for a Uniform Commercial Code first arose when the tribe prepared to enter into a contract to purchase the fifty golf carts. Because the carts would be located on tribal land, the bank involved in the transaction needed a means to perfect its security in the golf carts while the loan financing the carts was paid off. A code allowing the filing of security interests with the court clerk and enforcement of the security interests by the Tribal Court was enacted. The second ordinance dealt with the carrying of dangerous weapons on tribal land. Weapons were being sold at the swap meet sponsored by the tribe, and persons were carrying weapons on tribal grounds, including into the tribal court and Business Committee meetings. In order to provide a safe environment for all tribal members, an ordinance was drafted and subsequently enacted by the tribe. Two other ordinances under consideration by the tribe address the issue of debarment and citizen's complaints. Debarment is being considered as a means to give the tribe some power over non-Indians who commit criminal acts on tribal land. The proposed ordinance would first call for the tribe to remove that person from tribal land but would attempt to provide for stricter means once that person has been adjudicated by the tribal courts to have committed a criminal act on tribal land. The individual non-Indian will be given the opportunity to submit himself to the jurisdiction of the court for purposes of a criminal trial. If that option were not elected, the person would be tried in absentia, and a formal order would be issued barring that person from entering upon tribal land. Once the notice of debarment was served on the person, if that person again entered on tribal land, the tribe would consider that person to be trespassing and would also have the option to confiscate the personal property of that individual.

The need for a citizen's complaint ordinance arose when it was determined that there might be minor offenses which because of the economic and manpower constraints on the tribal judicial and police systems would never be brought to the attention of the court. This mechanism would allow a citizen to file a complaint against another Indian and to have that complaint prosecuted in court. A citizen's complaint conviction would be limited solely to a fine.

3. Tribal Rolls

The tribe voted to have the Secretary of the Interior call a Constitutional election to change the constitutional requirements for tribal membership from blood degree to descendency. The Secretary's office, after much delay, finally issued a memorandum stating that the proposed Constitutional change by the tribe was prohibited by federal law and thus the Secretary would not call the election. A response was prepared by the tribal attorney which challenged the Secretary's failure to call the election, stating that the Secretary's sole concern in calling an election is limited to whether the tribe has met the necessary procedural requirements for such an election. The tribe has done this. Further, the tribe informed the Secretary that there were no federal restrictions on tribal membership and that under the Oklahoma Indian Welfare Act the tribes have absolute control over the membership rolls.



The addition of a new fleet of golf carts to Fire Lake's operation and public rest rooms at the tribal store were welcome accomplishments in 1988

Kansas Kin

St. Mary's Mission burial records: Part II

INDIAN BURIAL RECORDS OF THE ST. MARY'S MISSION, 1838-1849
NEAR CENTERVILLE, LINN COUNTY, KANSAS

The following register of burials records the Potawatomi buried at the Kansas Sugar Creek community and St. Mary's Mission. Most tribal members will find they have ancestors buried at the Kansas sites. The records were kept by the Catholic Church and many of the names were recorded phonetically so may not reflect the correct spellings.

REGISTER OF BURIALS

1843

The following burials have been near the river Pottawatomie commonly called Sugar Creek. Written by Rev. Father Hoecken; no cemetery started.

48. September 4, 1843. Joannes, only one year old, son of Peter Ohunmisian and Gowland Goviannse, died yesterday and has been buried.
49. September 4, 1843. John Baptiste Wanomanusa, 40 years old, married to Maria Annormussne, has been buried fortified by all the sacraments of the church. Died yesterday.
50. September 6, 1843. Antonius, born November 20, 1842, the son of Louis Oshainnowes and Catherina Wiode, died last night and has been buried.
51. September 26, 1843. Marie, born March 16, 1841, the daughter of Ignatius Notchiwe and Marie Yupsi, died yesterday and has been buried.
52. September 30, 1843. Maria Anna, born in the month of September, 1841, baptised March 18, 1842, the daughter of Tonecaneat and Josetta, died yesterday and has been buried.
53. September 30, 1843. Marie, born July 15, 1842, the daughter of Sanomoni and Marie Mosatum, died yesterday and has been buried.
54. September 30, 1843. Theresia, born April 10, 1843, the daughter of Aloysius Gamesocas and Angelico O. Juntis, died yesterday night and has been buried.
55. October 2, 1843. Catharina, born April 2, 1842, daughter of Gatri Shashakwe and Angelica Mexonninc, died yesterday and has been buried.
56. October 2, 1843. Ludovicus Tshakemuk, born February 20, 1843, son of Geranussi Waseasun and Maria Sangonunc, died yesterday, and has been buried.
57. October 3, 1843. Maria Anna Apuwancour, about 60 years old, wife of Francisci Claramont, has been buried fortified by all the sacraments.
58. October 6, 1843. Maria, born July 2, 1843, the daughter of Francois Nanish and Maria Gskeawa, died yesterday and has been buried.
59. October 8, 1843. LKouis, born December 8, 1842, the son of John Baptiste Sonnatihuens and Anna Osaute, departed yesterday and has been buried.
60. October 11, 1843. Josephus, born October 5, 1843, the son of Eloy Bourassa and Magdelein Miko, died yesterday and has been buried.
61. October 12, 1843. Catharina, about seven years old, the daughter of I. Aalthma and Marian Wagishkokwe, died yesterday and has been buried.
62. October 14, 1843. Josette Feteshno, twelve years old, the daughter of Michaelis Tepuk Renenne and Aoelaida Nuvesoapi, died yesterday about the third hour and has been buried fortified by all the sacraments.
63. October 14, 1843. John, born June 24, 1843, the son of Ignatii Mayune and Angelice Gaansun Wenum, died yesterday and has been buried.
64. October 19, 1843. Philomena, born September 25, 1842, the daughter of Francis Shetie and Francisjo Stet Hoteneie, died yesterday and has been buried.
65. October 19, 1843. Angelica, born February 11, 1843, the daughter of Petri Jubjoeno and Angelica Nanstowonide, died about three o'clock and has been buried.
66. October 20, 1843. Ignatius, born August 3, 1843, the son of Joannis Gemami and Marie Anna Pakota, died yesterday and has been buried.
67. October 21, 1843. Ignatius, son of John Baptiste Nishiniosio and Sophia Osamiamo, born in the month of April, 1843, died yesterday and has been buried.
68. October 24, 1843. Stanislaus, born January 12, 1843, the son of Francis Kav Osaki and Catherine Minotchi, died yesterday and has been buried.
69. October 30, 1843. T.B. Kikantichi, about 60 years old, a citizen, died yesterday and has been buried fortified by all the sacraments.
70. November 1, 1843. Frances, daughter of I.B. Wakakochuk and Joseph Nibishkwa, died yesterday and has been buried.
71. November 6, 1843. Theresia Sibikwe, three years old, daughter of Joseph Phelps and Maria Nowise, died yesterday and has been buried.
72. November 20, 1843. Josette, about a year and a half old, the daughter of Louis Nakochuk and Theresa Muhupjakta, died yesterday and has

been buried.

73. 1843. Cyprian Suckicha, one year old, the son of Joseph Suckicha and M. Anne Kwechuckwa, died yesterday and has been buried on November 24, 1843.

74. December 9, 1843. Magdalene Fanmokwe, wife of P. Hamicki, died yesterday and has been buried fortified by all the sacraments.

75. December 16, 1843. John Baptiste, one year old, died on the preceding 14th, son of T.B. Chiano and Therese Fchitapa, has been buried.

76. December 23, 1843. Elizabeth Shwenum, 60 years old, wife of Mikipupa, died yesterday and has been buried fortified by all the sacraments.

77. December 25, 1843. Louis, nine years old, son of Joseph Michgami and Anne Marie Anoanke, died yesterday and was buried fortified by all the sacraments.

78. December 28. Joseph Kakikena, 60 years born bravely, died a few days ago and has been buried.

This year's deaths are 78.

1844

1. January 2, 1844. John Baptiste, son of Jerome Watshines, one year old, died yesterday and has been buried.
2. January 3, 1844. Joseph, born on December 2, 1843, son of Gavriel Bourassa and Anne Owenokwe, died yesterday and has been buried.
3. January 7, 1844. Angelique Metakwe, four years old, daughter of B. Pahahady and A. Gipanekwa, died yesterday and has been buried.
4. January 10. Iva Hepan, about two and a half years old, son of T. Achtot, and (blank), died yesterday and has been buried.
5. January 1844. Joseph, 14 years old, son of Jiliun T. Nokisi, has been buried fortified by all the sacraments.
6. January 27, 1844. Mariel, born yesterday, daughter of T. Humki and Angelique Fosakwe, died and has been buried.
7. February 7, 1844. Marie Anee, about seven years old, daughter of Tossideliun Tchiichpic and Okiche, died yesterday and has been buried.
8. February 8, 1844. Angelique Nadau, 26 years old, and Michel Nadau died yesterday and have been buried. (Probably mother and new-born son?)
9. February 9. Josette, one year old, daughter of Pierre Ichithakiech and Anatuse Anhang Nukach, died yesterday and has been buried.
10. February 11, 1844. Basil Siboesinn died before yesterday and has been buried fortified by all the sacraments.
11. February 12, 1844. Angelique Hennitig died yesterday and has been buried fortified by all the sacraments.
12. February 22, 1844. Jacques, three years old, son of John Burnett and Dusti, died yesterday and has been buried.
13. February 29, 1844. Elizabeth, eight months old, the daughter of P. Wamicki, died yesterday and has been buried.
14. March 10, 1844. Angelique Sipikwi, five years old, the daughter of Mickupapa, died yesterday and has been buried.
15. March 25, 1844. Marie Kivide, 50 years old, died yesterday and has been buried.
16. March 26, 1844. J. Baptiste Pemmijkkenuk, eight years old, died yesterday and has been buried.
17. Maria Anna Odaumbekwa, 58 years old, died before yesterday and has been buried fortified by all the sacraments.
18. April 8, 1844. Josette Micaifor, seven years old, the daughter of Angelique Miyakus, died yesterday and has been buried.
19. May 1, 1844. Charlotte Achoi, daughter of P. Ichitchakock and A. Uagedehand, died yesterday and has been buried.
20. May 20, 1844. Franz Roy Onatiose, about three years old, son of Maria Anna Kawakwe, deceased, died May 18 and has been buried.
21. June 5, 1844. Christian Watnechkug, 16 years old, the son of Sekumapitag, died yesterday and has been buried fortified by all the sacraments.
22. June 7, 1844. Michel Swoka, about 36 years old, died five days ago and has been buried fortified with all the sacraments.
23. June 15, 1844. Etienne Wabakidi, 25 years old, died yesterday and has been buried fortified by all the sacraments.
24. July 9, 1844. Maria Outaka, wife of Morobant, about 36 years old, died yesterday and has been buried.
25. July 14, 1844. Maria Anna, about seven years old, daughter of Nachgami, died yesterday and has been buried.
26. August 25, 1844. Francis Wanukki, about twelve years old, died yesterday and has been buried.
27. September 9, 1844. Philippe Nivikite died today and has been buried

fortified by all the sacraments of the church.

28. September 15, 1844. Elisabeth Pichiwe, wife of J.B. Kikatimo, died yesterday and has been buried fortified by all the sacraments.
29. iSeptember. Boniface, about a year and a half old, son of Tora Sekito and Numida, died yesterday and has been buried.
30. September 24, 1844. The son of Etinna Nissoiknot and Agatha Kotabi, born about two years ago, died yesterday and has been buried.
31. September 25, 1844. John Baptiste, son of H. Akonakodi and Tod Myabrnokma, died yesterday and has been buried.
32. September 31 [sic], 1844. Marc, son of Mich. Swoka and Minissinakwa, died yesterday and has been buried.
33. October 2, 1844. Elizabeth, daughter of Missikaume and M. Rintank, died today and has been buried.
34. October 2, 1844. Joseph, son of Frances Wawaducy and Gener Habakwa, died today and has been buried.
35. October 7, 1844. Lazarus Bourassa, about 25 years old, died yesterday and has been buried fortified by all the sacraments.
36. October 7, 1844. Magdalene Miko, wife of Eloy Bourassa, died yesterday and has been buried fortified by all the sacraments.
37. 1844. Marie, 3 years old, the daughter of Ivan Hapnum and Anne Mioyumuanie, died yesterday October 12, and has been buried.
38. October 16, 1844. Joseph, two years old, the son of D. Sipoedum and Martha Papamadinakwe, died today and has been buried.
39. October k27, 1844. Maria Notinakwe, about nine years old, the daughter of Nassug and Pamsuknum, died yesterday and has been buried fortified by all the sacraments.
40. November 2. Buried has been (original incomplete)
41. December 6, 1844. Pierre Myawoch, about 28 years old, died yesterday and has been buried fortified by all the sacraments.
42. December 8, 1844. Marie Achta, about 26 years old, died yesterday and has been buried.
43. December 19, 1844. John Baptiste Sennatchwan, about 26 years old, died on the seventeenth preceding and has been buried fortified by all the sacraments.
44. December 23, 1844. Maria Aiegde Laine Opamokwe, wife of Nan-nowake, died yesterday and has been buried fortified by all the sacraments.
45. December 26. Maria Moratum, about 36 years old, died and has been buried.

This year's deaths, 45.

A.M.D.G. [A.M.D.G. is the abbreviation of the Jesuit motto, "For the Greater Glory of God."]

Burials in 1845

1. January 4, 1845. Jacques Ackhtot, about 36 years old, died yesterday and has been buried fortified by all the sacraments.
2. January 5, 1845. Charles Notechima died yesterday and has been buried.
3. January 10, 1845. Jean Es, a few days old, the son of Sylvester Wap-inng and Agnes Kichetino, died yesterday and has been buried.
4. January 17, 1845. Maria Anne, 15 months old, daughter of T.F. Mannitokapwe and M. Nestauonan, died yesterday and has been buried.
5. February 7, 1845. Catherina Kiweokmi, about 27 years old, the daughter of Ignatius Tchipakin, died yesterday and has been buried fortified by all the sacraments.
6. February 10, 1845. Francois Xavier, son of F. Nojekum and Martha Mowekwe, died yesterday and has been buried.
7. February 28, 1845. Ambrose, five months old, son of T.D. Morobennt and Maria Outake, died yesterday and has been buried.
8. March 13, 1845. Maria Anna Watahki, about 35 years old, wife of Joseph Okummah, died yesterday and has been buried.
9. March 24, 1845. Pisa, about 80 years old, died yesterday and has been buried fortified with all the sacraments.
10. March 28, 1845. Therisa Nauwea, about eight years old, died yesterday and has been buried.
11. March 29, 1845. Catherine, about two and a half years old, the daughter of T.B. Palich and Josetta Wawakma, died yesterday and has been buried.
12. April 1, 1845. Philomena, daughter of Elianna Matchisa and Marie Anna Ipisikwe, died the same day born and has been buried.
13. April 4, 1845. Pierre Wanhiche, about 25 years old, died on the second day of this month and has been buried fortified by all the sacraments.
14. April 25. Francis Regis, about one year old, the son of Alexi Hamick-amug and Marie Minissinakwi, died yesterday and has been buried.
15. 1845. the month of April. John Baptista, son of Thomas Exans and Nadine Sakinanechkmo, died on the same day born and has been buried.
16. May 7, 1845. Weckion, widow of P. Anjewach, died yesterday and has been buried fortified by all the sacraments.
17. May 14, 1845. Maria Riopalli, about 36 years old, wife of Sam Bertrand, died before yesterday and has been buried fortified by the last

sacraments.

18. May 16, 1845. Ignatius Aneyi, an orphan about five years old, died yesterday and has been buried.
19. May 19, 1845. Sylvertre Wapimug, about 35 years old, died before yesterday and has been buried fortified by all the sacraments.
20. May 20, 1845. Josetta Mikse, about two years old, the daughter of Tym Kotonauwa and Maria Mimikwe, died yesterday and has been buried.
21. May 23, 1845. Tanique Higikwe, about nine years old, the daughter of Joseph Makisi and Catherine Michukko, died yesterday and has been buried.
22. June 3, 1845. Joseph, just born, the son of Anthony Chakouto and Margaret Knyich, died yesterday and has been buried.
23. June 11, 1845. Joseph, son of Frrine Ripamose and Mae Tikamoa, died yesterday and has been buried.
24. June 21, 1845. Atchnue Condewgin Mitent, six months old, died before yesterday, and has been buried.
25. June 21. Joseph Kakupa Ceri Bezayo, died before yesterday and has been buried fortified with all the sacraments.
26. July 6, 1845. Cecile Gasse, wife of Nachts, died yesterday and has been buried fortified with all the sacraments.
27. July 20, 1845. Theckla, about six years old, the daughter of Politwe and Bejiko, died yesterday and has been buried.
28. July 26, 1845. Pierre Wekumoptiy, about 48 years old, died yesterday and has been buried fortified by all the sacraments.
29. July 28, 1845. Elizabeth Nuwapum, about 30 years old, the wife of Pentikwidjak, died yesterday and has been buried fortified by all the sacraments.
30. July 30, 1845. Therese, about one year old, the daughter of T.B. Hijikaose and Sophie Osauiamo, died yesterday has been buried.
31. August (no date) Nancy, daughter of T.B. Patich and J.C. setta Wanakma, died yesterday and has been buried fortified by all the sacraments.
32. August 15, 1845. (blank space) about five years old, the son of Louis Louison and Angelique Newtons, died yesterday and has been buried.
33. September 2, 1845. Maria Nunissinakm, wife of Alexis Wamikamuk, died yesterday and has been buried fortified by all the sacraments.
34. September 15, 1845. Othilda, about six years old, the daughter of Joseph Ochkinnam and Maria Manitoke, died yesterday and has been buried.
35. September 16, 1845. Elizabeth Channa, six months old, the daughter of (blank) died yesterday and has been buried.
36. September 20. Thinda, four years old, the daughter of Charles Nakatoka and Maria Nissatinokwe, died yesterday and has been buried.
37. September 21, 1845. John Baptiste Palich, about 40 years old, died the nineteenth past and has been buried fortified by all the sacraments.
38. September 22, 1845. Antoine, two and a half years old, died and was buried yesterday.
39. September 22, 1845. Josetta Akona, about 70 years old, has been buried fortified by all the sacraments.
40. September 24, 1845. Dennis, son of Joseph Oshinnaim, has been buried.
41. September 26, 1845. Ignatius, two months old, the son of T.B. Pappaum and Rosa Mijupichitme, died yesterday and has been buried.
42. September 28, 1845. John Otami, about 70 years old, died yesterday and has been buried fortified by all the sacraments.
43. September 28, 1845. Marie Anne, one year old, the daughter of Frank Sonnipimum and Agela Ninakwis, died yesterday and has been buried.
44. September 28, 1845. Poim, one year old, died yesterday and has been buried.
45. September 28, 1845. Buries is the son of Franz Kuchkwe and Noch Kowe, one year old, died yesterday.
46. Agatha, three years old, the daughter of Pierre Pati and Agatha Kwikwis, died yesterday and has been buried.
47. September 29, 1845. Therese Pinakonum, 26 years old, the wife of John F. Mason, died yesterday and has been buried fortified with all sacraments.
48. September 29, 1845. Pierre, one and a half years old, the son of Pierre Wanukki and Josephine Pakichinskwe, died yesterday and has been buried.
49. September 29, 1845. Maria, four years old, daughter of Marie Opnin, died yesterday.
50. September 29, 1845. Jean Diego, nine months old, the son of Gabriel Bourassa and Anne Owannekem, died yesterday and has been buried.
51. October 6, 1845. Thomas, a few days old, son of John G. Madon and Pinakonum, died yesterday and has been buried.
52. October 7, 1845. Paul, a few hours old, the son of Joseph Ponich and Agnes Osakigwe, died yesterday and has been buried.
53. October 6, 1845. Joseph, a few days old, the son of John Gipton and Marie Josette, died yesterday and has been buried.
54. August 26, 1845. Pidonr, a year and a half old, the son of Francis Kichkme and A. Mekitunik, died yesterday and has been buried.

Continued, next page

Kansas Kin ... continued from page 21

55. October 11, 1845. Felicitas, about one month old, the daughter of T.B. Sonnatehuen and Anne Osawna, died yesterday and has been buried.

56. October 11, 1845. Joseph, one year old, son of Sipaidem, died yesterday and has been buried.

57. August 27, 1845. Theresa Iola, about 20 years old, wife of Jean Nokms, died yesterday and has been buried fortified with all the sacraments.

58. August 28, 1845. Theresa Mehkapnickma, wife of Pierre Mitama, died yesterday and has been buried fortified by all the sacraments.

59. August 28, 1845. Maria, daughter of Maria Nimikwe, died yesterday and has been buried.

60. August 31, 1845. Elizabeth, three months old, the daughter of Joseph Papi and Catherine Hapiniminkma, died yesterday and has been buried.

61. September 1, 1845. Felix Pokagan, two months old, the son of Pima Pokagan and Marie Otasawa, died yesterday and has been buried.

62. September 1, 1845. Therese, four years old, the daughter of Joseph Okummach and Maria Anna Watchki, died yesterday and has been buried.

63. October 11, 1845. Marie, four years old, the daughter of Pierre Chaumi and Agatha Wossikemikekwe, died yesterday and has been buried.

64. October 12, 1845. Paul, one year old, the son of T.B. Nimikwi and Osauiyichi, died yesterday and has been buried.

65. October 12, 1845. Maria Anna, seven months old, the daughter of Frank Namaskug and Maria Wowatiso, died yesterday and has been buried.

66. October 16, 1845. Theresa, about ten months old, the daughter of In. Movowanona and Catherine Pikotchnakwe, died yesterday and has been buried.

67. October 18, 1845. Joseph, about a year old, the son of William Gnuikko and Marie Peosikma, died yesterday and has been buried.

68. October 18, 1845. Josetta, five months old, the daughter of T.B. Shiona and Theresa Tchitapa, died yesterday and has been buried.

69. October 21, 1845. Maria Saki, about 40 years old, the wife of T.B. Shakmito, died yesterday and has been buried protected by all the sacraments.

70. October 21, 1845. Etienne Bourassa, husband of Angelkwemi, died yesterday and has been buried fortified by all the sacraments.

71. October 22, 1845. Thomas, about three and a half years old, the son of Gams Semipimis and Angel Nosakwis, died yesterday and has been buried.

72. October 1845. Buried is (blank space)

73. Marie, seven months old, the daughter of Nukedi and Marie Anna Kipechi, died yesterday and has been buried.

74. October 30, 1845. Josephine, about five years old, the daughter of Pietikogme, died yesterday and has been buried.

75. November 1. Maria Anna, about 21 months old, the daughter of T.B. Petikio and Matme Bejiko, died yesterday and has been buried.

76. November 4, 1845. Pierre Monnito, about 70 years old, died before yesterday and has been buried fortified by all the sacraments.

77. November 8, 1845. Joseph, a year and a half old, the son of Louis Fhikwich and Elisabeth Atchinikw, died before yesterday and has been buried.

78. November 14, 1845. Francis Xavier, one year old, the son of T.B. Wakakochug and Josephine Nitichkme, died yesterday and has been buried.

79. November 15, 1845. Rosaline, one year old, the daughter of Texoma Watchinech and Mane Kotiapo, died yesterday and has been buried.

80. November 18, 1845. Marie Tikamoa, about 34 years old, the wife of Franz Kipermosi, died yesterday and has been buried fortified by all the sacraments.

81. November 19, 1845. Joseph, one-year-old son of Joseph Sakine and Marie Anna Milekoch, died today and has been buried.

82. November 22, 1845. Okimikoch, about 60 years old, died November 19.

83. November 22, 1845. Maria Anna Kikiakoch, about 30 years old, wife of Joseph Sakito, died November 20 and has been buried.

84. November 22, 1845. Marie, daughter of Etienne Nissoakwit and Agatha Ketibi, a few days old, died November 21.

85. November 22. Marie, six and a half months old, daughter of Pierre Mitmc and Therese Atchkapoikwe, died yesterday and has been buried.

86. November 25, 1845. Pierre Tomintakone, about 30 years old, husband of Marie Kitano, died November 23 preceding.

87. December 2, 1845. John Baptiste, about five months old, son of Pierre Hannitoapi and Maria Achoc, died before yesterday and has been buried.

88. December 6, 1845. Marie Anna, a few months old, daughter of Pokewe, wife of Nanich, has been buried.

89. 1845. On the same day Elizabeth, born a few days ago, the daughter of Sorgelique Pimachkagmi, died and has been buried.

90. December 11, 1845. Catherine, some months old, daughter of Pierre Pati and Agtha Dwekmoss, died yesterday and has been buried.

91. December 13. Angelique Okina, about 55 years old, died yesterday and has been buried fortified by all the sacraments.

92. December 23, 1845. Maria Chekwakajak, about 19 years old, the wife of Ekamo, died yesterday and has been buried fortified with all the sacraments.

93. December 27, 1845. Marie Anne Wapinibikma, about 16 years old, the daughter of Alexi Nasswawkete, died two days before this and has been buried.

94. December 31, 1845. Etienne Nessoakwot, about 30 years old, died yesterday and has been buried protected by all the sacraments.

Deaths this year, 1845: 94

1846

1. January 3, 1846. Fidelis Assuk, about 50 years old, died yesterday and has been buried fortified by all the sacraments.

2. January 5, 1846. John Baptiste Petikwi, about 40 years old, died yesterday and has been buried fortified by all the sacraments.

3. January, 1846. [date and name are blank] four years old, died yesterday and has been buried.

4. January 13, 1846. Joseph, two years old, the son of Guillnuma Onakkoat and Maria Piosikwe, died yesterday and has been buried.

5. January 16, 1846. Marie Pokema, about 40 years old, wife of Frank Nanich, died yesterday and has been buried.

6. January 17, 1846. Cecilia Mipmokegwe, about 70 years old, died yesterday and has been buried fortified by all the sacraments.

7. January 17, 1846. Abraham, two years old, the son of Lazarus Bourassa and Sophie Fchakmkwe, died yesterday and has been buried.

8. January 21, 1846. Aloysius Mekak, about 60 years old, died before yesterday and has been buried fortified by all the sacraments.

9. January 20, 1846. Joseph Fotakach Siduus, about 65 years old, died before yesterday and has been buried fortified by all the sacraments.

10. Jonuned Errug Tchiskic, about 34 years old, married to Theresie Okiche, died the 22nd of this month.

11. February 2, 1846. Anne Mexakwe, about 65 years old, wife of Frank Mekitemowe, died yesterday and has been buried fortified by all the sacraments.

12. February 3, 1846. Louisa Minisfinikogwe, about 18 years old, daughter of Jos. Makin, died yesterday and has been buried fortified by all the sacraments.

13. February 10, 1846. Piere Fchitchag, about 30 years old, married to Marie Poki, died before yesterday and has been buried fortified by all the sacraments.

14. February 10, 1846. Theresia, a year and a half old, daughter of P. Sachakwe and Elisab. Echikwepi, has been buried.

15. February 11, 1846. Marie, three months old, the daughter of Anthony Pakochug and Nadien Moonkine, died yesterday and has been buried.

16. February 12, 1846. Catherine, six months old, daughter of Joseph Wacha and Angelique Otchikwe, died yesterday and has been buried.

17. February 13, 1846. Francis Clermont, about 40 years old, died yesterday and has been buried fortified by all the sacraments.

18. February 13, 1846. Francis Borge, about seven years old, the son of Frank Ayachi and Josetta Kitchikumigwe, died yesterday and has been buried.

19. February 16, 1846. Joseph a few months old, the son of L. Louison and Angel Newtona, died yesterday and has been buried.

20. February 20, 1846. Julia, about three years old, the daughter of I.B. Sheuno and Theresia Fchilopa, died yesterday and has been buried.

21. February 27, 1846. Joseph, two months old, the son of Aloysius Pomdjo and Maria Wasanyimi, died yesterday and has been buried.

22. February 28. Stanislaus, three years old, the son of T.B. Hennitoomag and Marie Fehaksoit, died yesterday and has been buried.

23. February 28, 1846. Cecile, about 25 years old, the wife of T.B. Nimekwi, died some days before this and has been buried.

24. March 2. Marie, about a month old, the daughter of Franz Wawtussuk and Mamie Songokwe, died yesterday and has been buried.

25. March 2. Marie, about four years old, the daughter of Wickkuma and Theresie Septikwe, died yesterday and has been buried.

26. March 6, 1846. Maria, about two years old, the daughter of Abr. Burnet and Marie Connaurvalo, died yesterday and has been buried.

27. March 7, 1846. Angelique, about two years old, the daughter of Angelus Agodekwe, died yesterday and has been buried fortified by all the sacraments.

28. March 9, 1846. Paulin Kisiss, about 40 years old, husband of Maria Mitemite, died before yesterday and has been buried.

29. March 10, 1846. The daughter of Ochkinnome, deceased, and Catherine Nidauade, about six years old, died yesterday and has been buried.

30. March 12, 1846. Maria, about eight years old, the daughter of T.B. Mannitoomeg and Marie Fchakosit, died yesterday and has been buried fortified by all the sacraments.

31. March 22, 1846. Pierre Wawassug, about 17 years old, the son of Massug, died yesterday and has been buried fortified by all the sacra-

Kansas (Continued)

ments.

32. April 4, 1846. Aloysius, about eight months old, the son of Jacques Wenemag and Marguerita Minnonokwe, died before yesterday and has been buried.
33. April 6, 1846. Marie, three years old, the daughter of Pierre Kipota and Marie Kisokme, died yesterday and has been buried.
34. April 13. Jean Atchima, about 40 years old, married to Kiotachki-mokwe, died before yesterday and has been buried fortified by all the sacraments.
35. April 14, 1846. Marie Anne, about one year old, the daughter of Pierre Chepichiwan and Angelique Nanatowekme, died yesterday and has been buried.
36. April 15, 1846. Marie, about eight years old, the daughter of Tov. Sekito and M.A. Kikiakoch, died the twelfth of this month and has been buried.
37. April 16, 1846. Joseph Mikipape, about 60 years old, died before yesterday and has been buried fortified by all the sacraments.
38. April 20, 1846. John Baptiste Shibanko, about 70 years old, the husband of Epeke, died before yesterday and has been buried fortified by all the sacraments.
39. April 27, 1846. Cecilia Wamiatinogwe (commonly called Otaunakwe) the wife of Kotowan, about 65 years old, died yesterday and has been buried fortified by all the sacraments.
40. April 30, 1846. Elisabeth Atobsnikwe, about 36 years old, the wife of Louis Fehiknoch, died yesterday and has been buried fortified by all the sacraments.
41. April 30, 1846. Michel Kotowan, about 56 years old, married to Christine Wewiatinokwe, died today and has been buried fortified by all the sacraments.
42. May 4, 1846. Catherine, about six years old, the daughter of Laudkisiss and Magdalene Kedjo, died yesterday and has been buried fortified by all the sacraments.
43. May 4, 1846. Gertrude Myatchtwe, about eleven years old, died yesterday and has been buried.
44. May 5, 1846. Edward Ciziya, about 65 years old, died before yesterday and has been buried fortified by all the sacraments.
45. May 4, 1846. Thereise Kichekogwe, about ten years old, daughter of Catherine Marie Missowe, died yesterday and has been buried.
46. May 7, 1846. Gabriel Bourassa, about 25 years old, married to Ohe-nokwe, died yesterday and has been buried fortified by all the sacraments.
47. June 9, 1846. Aloysius Makiteokot, about 36 years old, married to Marie Myukinikme, died yesterday and has been buried.
48. May 14, 1846. Joseph Fehikwa, about 70 years old, married to Maria Fopi, died yesterday and has been buried fortified by all the sacraments.
49. May 15, 1846. Basil Pipichke, about 60 years old, died yesterday and has been buried, fortified by all the sacraments.
50. May 18. John Baptiste, about 9 years old, the son of Michailis Swoika, has been buried fortified by all the sacraments.
51. May 20, 1846. Marie, about five years old, daughter of Joseph Sekita and Nensi, died yesterday and has been buried fortified by all the sacraments.
52. March 23, 1846. Joseph Mijokois, about 40 years old, married to Maria Mijukitokwe, died the twenty-first preceding and has been buried.
53. June 4, 1846. Alexius, about nine years old, the son of Margerite Kaspi, died before yesterday and has been buried fortified by all the sacraments.
5440. April 30, 1846. Elisabeth Atobsnikwe, about 36 years old, the wife of Louis Fehiknoch, died yesterday and has been buried fortified by all the sacraments.
41. April 30, 1846. Michel Kotowan, about 56 years old, married to Christine Wewiatinokwe, died today and has been buried fortified by all the sacraments.
42. May 4, 1846. Catherine, about six years old, the daughter of Laudkisiss and Magdalene Kedjo, died yesterday and has been buried fortified by all the sacraments.
43. May 4, 1846. Gertrude Myatchtwe, about eleven years old, died yesterday and has been buried.
44. May 5, 1846. Edward Ciziya, about 65 years old, died before yesterday and has been buried fortified by all the sacraments.
45. May 4, 1846. Thereise Kichekogwe, about ten years old, daughter of Catherine Marie Missowe, died yesterday and has been buried.
46. May 7, 1846. Gabriel Bourassa, about 25 years old, married to Ohe-nokwe, died yesterday and has been buried fortified by all the sacraments.
47. June 9, 1846. Aloysius Makiteokot, about 36 years old, married to Marie Myukinikme, died yesterday and has been buried.
48. May 14, 1846. Joseph Fehikwa, about 70 years old, married to Maria

- Fopi, died yesterday and has been buried fortified by all the sacraments.
 49. May 15, 1846. Basil Pipichke, about 60 years old, died yesterday and has been buried, fortified by all the sacraments.
 50. May 18. John Baptiste, about 9 years old, the son of Michailis Swoika, has been buried fortified by all the sacraments.
 51. May 20, 1846. Marie, about five years old, daughter of Joseph Sekita and Nensi, died yesterday and has been buried fortified by all the sacraments.
 52. March 23, 1846. Joseph Mijokois, about 40 years old, married to Maria Mijukitokwe, died the twenty-first preceding and has been buried.
 53. June 4, 1846. Alexius, about nine years old, the son of Margerite Kaspi, died before yesterday and has been buried fortified by all the sacraments.
 54. Catherine, several days old, the daughter of Papi and Catherine Hapinimesikwe, died yesterday and has been buried.
 55. June 21, 1846. Catherine, about 55 years old, the wife of Makisi, died yesterday and has been buried fortified by all the sacraments.
 56. June 20, 1846. Maria, several days old, the daughter of Thomas Evans and M. Sakinichkwe, died yesterday and has been buried.
 57. July 10, 1846. Joseph, several days old, the son of Pierre Kiowin John Tipton and Marie Josette, died yesterday and has been buried.
 58. July 17, 1846. [blank] Pigilinamakwe, about 18 years old, an orphan, died yesterday and has been buried fortified by all the sacraments of the church.
 59. July 20, 1846. Melani, about four years old, the daughter of Therise Ekweawoit, died yesterday and has been buried.
 60. July 20, 1846. Elizabeth, fifteen months old, daughter of Pierre Mikomte and Marie Saka, died yesterday and has been buried.
 61. August 3, 1846. John, three years old, the son of I.F. Mason and Th. Piwakanim, died yesterday and has been buried.
 62. August 5, 1846. Francis Pachkwi, about 17 years old, son of Mitam-mike, died August 3 and has been buried fortified by all the sacraments.
 63. August 8, 1846. Francis T., about one year old, the son of Jacques and Onakisi and Catherine Nidause, died yesterday and has been buried.
 64. August 10, 1846. Marie, daughter of Antoine Kotchos and Agathe Einbi, died yesterday and has been buried.
 65. August 10, 1846. Angelique Osakigwe, about 25 years old, wife of F. Kiokumo, died yesterday and has been buried fortified by all the sacraments.
 66. August 18, 1846. Marie, one year old, daughter of I. Olchitchakoch and Anastasia A. Nukach, died yesterday and has been buried.
 67. August 24, 1846. John Baptiste, three days old, son of Joseph Hwokijak and Josetta Olehikmi, died yesterday and has been buried.
 68. August 26, 1846. Catherine Wapinimosikme, about 35 years old, wife of Joseph Papi, died yesterday and has been buried fortified by all the sacraments.
 69. September 25, 1846. Marie, about twelve days old, daughter of T.B. Wakakochug and Josephine Nibichwe, died before yesterday and has been buried.
 70. September 27, 1846. [blank] Swoka, about 70 years old, died before yesterday and has been buried fortified by all the sacraments.
 71. October 2, 1846. Marie, eight years old, the daughter of Tov. Chapikug and Marguerite Tchepa, died before yesterday and has been buried.
 72. October 1, 1846. Jean Baptiste, about a year old, son of Alph. Kipe-made and May Pohichinckwa, died yesterday and has been buried.
 73. September 6, 1846. Margerite Minannakwe, wife of Jacques Weni-magif, died yesterday and has been buried fortified by all the sacraments.
 74. September 28. Buried is Charles [incomplete].
 75. October 12, 1846. Marie, one year old, daughter of Ignace Misuk-kauma and Marie Kinanke, has been buried.
 76. October 21, 1846. Jean, one month old, son of Franc. Avachi and Josette Putchikumikwa, has been buried.
 77. November 9, 1846. Joseph, one year old, son of Joseph Sakito and Nanci, has been buried.
 78. December 14, 1846. Leo Moke, about 56 years old, has been buried.
 79. December 31, 1846. Therese, about a month old, the daughter of Joseph Chapikug and Marguerite Felipa, has been buried.
- This year 79 deaths.

1847

1. January 10, 1847. Ignatius Potikiaha, about 66 years old, has been buried fortified by all the sacraments.
2. January 14, 1847. Benjamin, about ten years old, the son of deceased Michewoss, has been buried.
3. January 16, 1847. Catherine Minatchi, about 24 years old, wife of F.X. Osaki, has been buried fortified by all the sacraments.
4. January 19, 1847. Monique Akona, about 50 years old, the wife of Ign. Patukiche, died before yesterday and has been buried fortified by all the

Continued next HowNiKan

A tribute to Wyandotte Chief Leaford Bearskin

Editor's Note: As the Oklahoma Tax Commission continues to wage its courtroom "fight to the finish" with the tiny Oklahoma Wyandotte Tribe it seems appropriate to take another look at Leaford Bearskin, the tribal chief who is single-handedly defending his tribe's right - and all other tribes' - to operate enterprises without state interference. This article by Tim Giago ran in the *Lakota Times* in November, 1986. Wyandotte, Okla. - As convenience stores go, it's really not such a big deal, but to Chief Leaford Bearskin of the Wyandotte Tribe of Oklahoma, it is only the beginning.

"We've only been open for a couple of months now, but we have seven people working full time, and it looks like we're going to be turning a profit," Bearskin said with unabashed enthusiasm.

As a matter of fact, his enthusiasm is contagious.

"Neither of the Bureau of Indian Affairs, or any other branch of the federal government cares about a small tribe with only about 500 members," Bearskin said angrily.

He was angry because he has been trying since 1983, when he was elected to the position of principal chief of the Wyandottes, to secure funds to bring industry and jobs to his tiny community.

"B.F. Goodrich used to have a plant near here that provided jobs for about 1,900 people," Bearskin said. When that plant shutdown all of the jobs went with it.

In the eyes of Chief Bearskin, the convenience store is a foothold to the future. He said the profits from the store will be put into a special tribal fund for economic development.

"It seems that every time we get the opportunity to do something good for our people, either the state or the federal government comes in and tries to stop us," Bearskin said.

He gave as an example the fact that the tribe's convenience store is trying to draw customers and raise revenues by offering tax-free cigarettes for sale.

"The assistant DA over in Ottawa County is now raising hell with us," Bearskin said with a laugh. "I guess we'll have to fight the cigarette tax battle all over again even though Indian tribes have won that fight in court many times already."

What does the Wyandotte Tribe plan to do with the funds raised by selling tax free cigarettes, ill-gotten gains according to the Ottawa County DA?

There is a gleam of hope in Chief Bearskin's eye. "First off, we hope to start a health plan for all of our tribal members, and then we want to set up a fund so that any Wyandotte child who wants to pursue a goal of higher education will have the funds to do so," he said.

Last year the tribe sent nine youngsters to college using different revenues raised in a variety of ways. "We'd like to see all of our Wyandotte kids get the chance to go to college or to a vocational school, but we see now that we have to fight the State of Oklahoma to make it possible," Bearskin said.

Bearskin finds it almost impossible to interest the BIA into funding smaller Indian tribes. "We got the money to build the convenience store from a HUD (Housing and Urban Development) grant. It came to \$325,000 and it gave us the opportunity to try, at least," Bearskin said.

A former Lieutenant Colonel in the U.S. Air Force, and holder of the Distinguished Flying Cross, Chief Bearskin has been at the front of the battle in Indian country ever since he spearheaded the Wyandotte struggle to get \$5.7 million owed the tribe for lands sold illegally in Ohio in 1842.

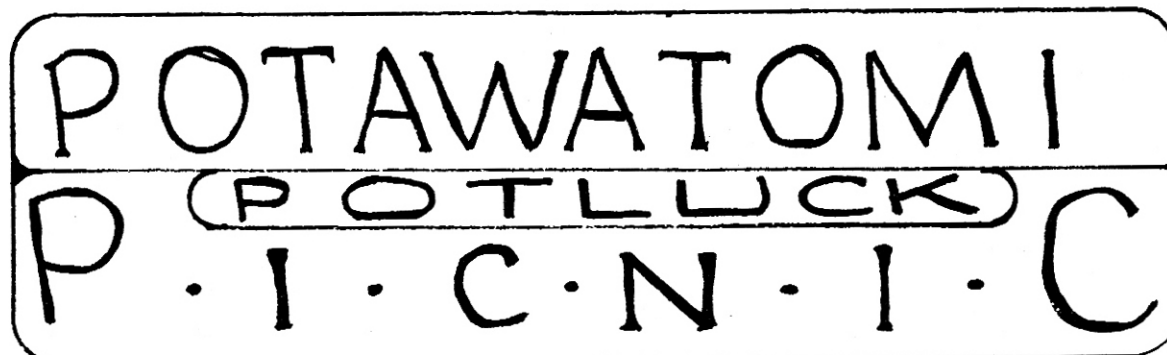
"There are about 400 Indian tribes in the United States; I think - because even the BIA can't tell me for sure - 90 percent of those tribes are small ones, just like us," Bearskin said.

He is convinced the the larger tribes, such as the Navajo, Hopi and Cherokee, get millions of dollars because they have the resources to hire lobbyists and corporate lawyers to fight for them in Washington.

Despite being afflicted with diabetes, and surviving quintuple-bypass heart surgery in 1984, Chief Bearskin stood proud and tall when he was awarded the 1986 Indian Achievement Award in Chicago this year.

To the many Indians present at the awards ceremony, it was a fitting tribute to a great tribal leader.

"Oh, you can't let the bureaucrats discourage you, even though they do their darndest to get you down; you just have to roll your sleeves and keep on trying," Chief Bearskin said with a laugh.



**SATURDAY ·
AUGUST 27**

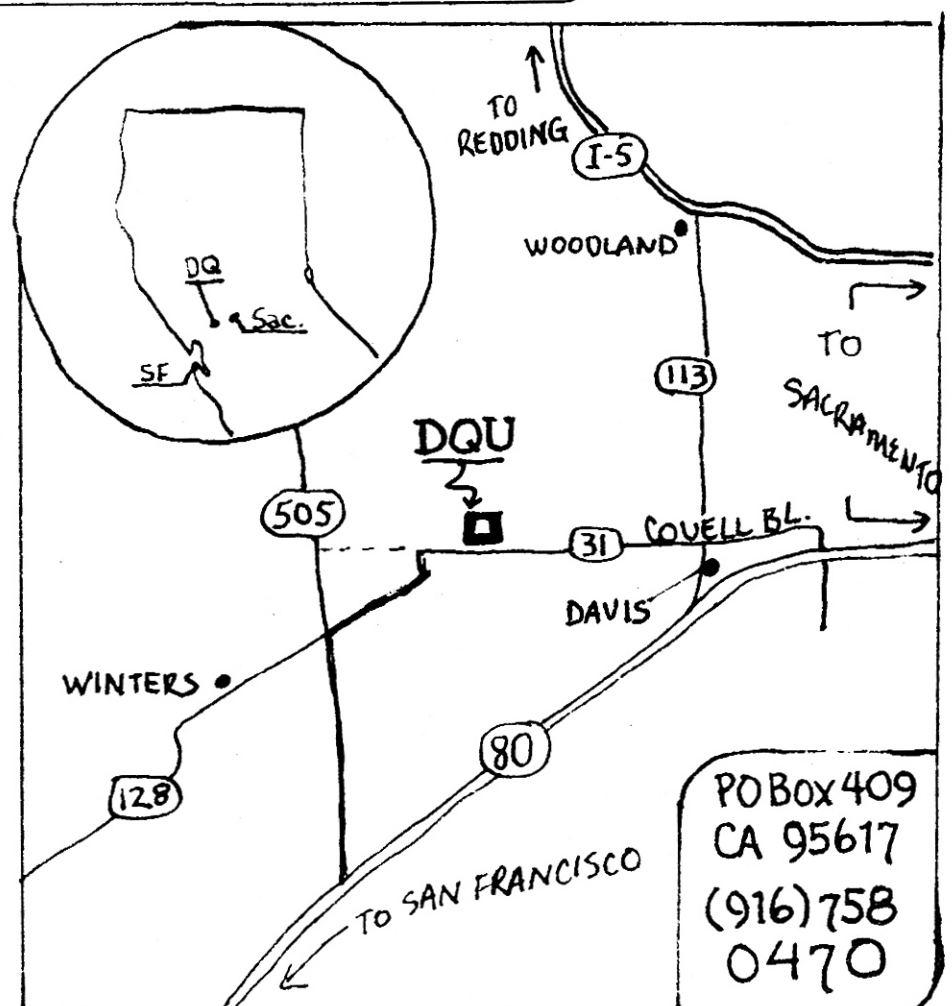
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1988 Potawatomi Days Celebration

The business, the fun, and the rain!



On Friday, June 24, the 1988 Citizen Band Potawatomi Days celebration officially kicked off at 5 p.m. (Photos counterclockwise) The Seminole chapter of the Vietnam Veterans Inter-Tribal Association Color Guard lead the grand entry parade as tribal secretary Bob Davis saluted from the sidelines on crutches. Seven drums and hundreds of dancers were halfway through the opening activities when a blinding dust storm swept the arena, and then came the rain. Pow Wow emcee Orval Kirk and Business Committeemen Francis Levier and Hilton Melot took shelter under a tree while dancers and audience alike ran for cover.



And Then...

The decision was made to move to the reserved Expo Center. Within 45 minutes, the entire celebration had packed up, moved the five miles distance and was set up and ready to roll. Native Americans have always been a nomadic people! (Photos counterclockwise) Orval Kirk and his hardworking staff kept everyone on schedule, Princess Janet Coffey was crowned by Chairman Barrett as head lady dancer Marla Sands of Walpole Island looked on, the competition dancers dried their feathers and the chairman and his sister, Loretta Oden, greeted Shawnee Mayor Pierre Taron and his wife Glennabelle.



*And
by
Saturday...*



Princess Janet Coffey reigned over a hot but dry arena grounds (Counterclockwise) while Truman Kaskuske (second from left) reigned over the All-Indian Golf Tournament and museum director J.J. Rowe held court at the Trading Post cash register. Visitors to the Doyle Owens Memorial Wing of the museum were treated to an exhibit of Potawatomi artist Woody Crumbo's work. Meanwhile, Election Committee members Norman Kiker and Gary Bourbonnais began the tedious task of opening absentee ballots and the Anderson clan held their annual reunion to share genealogy, food, pictures and kinship.



Later that day...

The annual Shawnee Council was convened. Chairman Barrett honored his uncle, Bud Peltier of Portland, Oregon, for traveling the farthest to attend the meeting and Mary Long, 83, for being the smartest Potawatomi in the room. By 4 p.m. Tribal Supreme Court Chief Justice Bill Rice had sworn in Bob Davis for another term as tribal secretary and Jim Young as the tribe's new vice chairman. By 6:30 everyone was back at the pow wow grounds, where the weather held 'til Sunday. (Bottom) Princess Janet, Committeeman Hilton Melot, Secretary Bob Davis and Chairman Barrett ready for the Sunday grand entry.



*Rain
or
shine...*

A wonderful time was had by all. According to pow wow director Orval Kirk, the Potawatomi pow wow could overtake Oklahoma City's Red Earth celebration in two years at our current growth rate. It was a peaceable council, an unparalleled dance exhibition and chance to hear nine drums representing the inter-tribal nation. And at least one participant went home to dream of warriors hunting buffalo after meeting up with a huge bull left from previous rodeo activities.

*The
End.*



Indian oil drained as feds watch

(Reprinted from the Arizona Republic)

Press Primeaux's home sits on a wealth of oil and gas reserves.

From his front door, he watches large oil rigs with their praying-mantis-like heads sucking oil day and night from thousands of feet beneath his 120 acres.

But the frustrated, full-blooded Ponca Indian has not received one cent from the oil and gas being drained from under his property.

While federal agencies have snarled Primeaux's land in a knot of bureaucratic red tape, oil companies have drilled ten producing wells on adjacent non-Indian land and pumped more than \$2 million worth of oil and gas from them. Part of that came from under Primeaux's land.

In his case, and thousands of others around the country, federal agencies are allowing oil companies to take oil and gas from beneath Indian federal land without paying royalties on it.

Many of these cases constitute outright theft or fraud, stemming from a practice called drainage. It occurs when several plots of land sit atop a single pool of oil or gas and one or more property owners take a disproportionate share.

The Interior Department's Bureau of Land Management, which is supposed to monitor drainage nationwide, has grossly failed to correct the problem. An analysis of a recent federal audit, obtained by the Arizona Republic under the Freedom of Information Act, shows this misfeasance has deprived Indians and the government of royalties from possibly \$5.7 million in oil.

The problem is so acute that the BLM has more than 8,400 drainage cases on Indian and federal lands it has not investigated and only 16 people nationwide assigned to the job. With that caseload and staffing, federal auditors calculated it would take the agency 53 years just to clear its current backlog.

Marilyn Jones, a BLM specialist in Denver who is studying the government's policy on the drainage problem, acknowledged, "It is difficult to pinpoint losses."

"From one perspective, things look pretty bleak. It's evident the problem needs more attention, and the bureau is giving it more attention."

Geologists have told Primeaux that his land sits atop a large pool of oil and gas. The Ponca, who is disabled from a hand and leg amputation and must undergo kidney dialysis as a result of chronic diabetes, is frustrated because federal officials hold his oil-rich land in trust and will not lease it.

BIA officials contended in a recent letter to Primeaux that the land already is leased, although documents clearly show a lease on the land expired a year ago.

When he tried to get the BIA to take action, Primeaux claims agency officials tried to extort \$900 from him just for putting his land on a lease list. He refused and reported the incident to the Interior Department's office of inspector general, which is investigating those allegations.

Ray Springwater, a realty officer at the Pawnee agency who supposedly asked Primeaux for the money, denied any wrongdoing.

He acknowledged telling Primeaux that he may have to pay that much but said the money was not for a bribe but was to cover advertising and lease sale costs in case no firm wanted the oil rights.

"I told him if he didn't get bids, he would have to pay for that sale," Springwater, a full-blooded Cherokee said.

Under federal law, the BIA and the Bureau of Land Management are supposed to ensure that Primeaux is paid for the oil that is siphoned from under his land.

"If they would pay us for the oil it would sure help us over the hump financially," Primeaux said.

"I've made several calls to the BLM complaining about drainage, but they refused to make an on-site inspection. How can they say there's no such drainage if they don't come here and look?"

"I don't think these people are qualified."

Similar stories abound throughout the nation, auditors say. They found cases in which a company holding a lease on Indian or federal land also has oil and gas leases on adjacent property.

In many cases the lease holder drills on the adjoining land because royalties paid to the Indians and the federal government usually are higher since leases on those lands are auctioned to the highest bidder.

Even if the BLM wanted to take immediate action to collect the billions that are literally being stolen from the government and the Indians, auditors indicated that the agency is so disorganized and incompetent it probably could not.

The inspector general's audit found that none of the BLM's 15 area offices had an adequate program to deal with this costly drainage rip-off. The auditors also said the BLM's record-keeping systems are in disarray.

Much of this chaos came about auditors said, because BLM officials assigned to this program are incompetent or unqualified.

Even when BLM field offices try to pursue the growing drainage problem, they get confusing guidance from the agency's leaders in Washington.

For example, agency field investigators recently dropped investigations of seven "fraudulent" drainage cases in New Mexico and Wyoming because they were "uncertain about how to pursue this type of case," the audit found.

Three of these cases were worth \$1 million each to Indians and the government.

The program to prevent fraudulent drainage from oil and gas reserves located under federal and Indian land is a relatively new one.

The BLM got the program in April 1983 during a reorganization of the Interior Department's minerals-management program.

Since then, the auditors reported, more than 60 percent of the BLM's drainage professionals have left the program. As a result, costly mistakes have occurred.

The audit noted that one inexperienced petroleum engineer "made errors on two economic analysis."

The end result was that he allowed an oil company to walk away with 236,000 barrels of oil worth about \$6 million.

Interior's response to bingo managers' appeal for contract approval after rejection by tribe

Gentlemen:

This appeal arises out of the February 11, 1987, disapproval by the Anadarko Area Director of an April 8, 1985, bingo management agreement between the Citizen Band Potawatomi Indian Tribe of Oklahoma (hereinafter referred to as the "Tribe") and Enterprise Management Consultants, Inc. (hereinafter referred to as "EMCI"). EMCI has appealed the decision of the Area Director to this office. For the following reasons, the Area Director's decision is affirmed.

The 1985 bingo management agreement was submitted to the Anadarko Area Director on December 11, 1986, by EMCI after Judge Luther Bohanon ordered the Tribe and EMCI to submit the agreement to the appropriate officials of the Department of the Interior. Judge Bohanon further ordered the Department to approve or disapprove the agreement. The Tribe did not submit the contract for approval, and through briefs filed with both the federal district court and the Department, has made it clear that, for a variety of reasons, it can no longer do business with EMCI and does not want the 1985 management agreement approved.

The Anadarko Area Director disapproved the management agreement because it did not comply with certain guidelines I established for review of bingo management agreements and because approval of the agreement did not appear to be in the best interests of the Tribe in light of the long-standing disputes between the Tribe and EMCI.

On appeal, EMCI argues that the Area Director's decision to disapprove the management agreement is erroneous for the following reasons: (1) 25 U.S.C. #81 does not apply to management agreements in general; (2) 25 U.S.C. #81 does not apply to the 1985 agreement because of the existence of a BIA approved business lease which authorizes EMCI to construct a bingo facility and operate a bingo enterprise on tribal land; (3) the Tribe should be estopped from receiving the protections of section 81; (4) the BIA should be estopped from disapproving the contract; (5) the bingo management guidelines are an unconstitutional attempt to enlarge the scope of 25 U.S.C. #81; (6) the April 7, 1986, guidelines cannot be applied retroactively to the 1985 management agreement; and (7) the agreement should have been approved notwithstanding the guidelines. Each of EMCI's arguments will be addressed in turn.

EMCI first argument, that 25 U.S.C. #81 does not apply to bingo management agreements, is wholly at odds with every court which has addressed the issue. See *Wisconsin Winnebago Business Committee v. Koberstein*, 762 F.2d 613 (7th Cir. 1985); *A.K. Management Co. v. San Manuel Band of Mission Indians*, 789 F.2d 785 (9th Cir. 1986); *Barona Group of the Capitan Band of Mission Indians v. American Management & Amusement, Inc.*, —F.2d—, *Shakopee Mdewakanton Sioux community v. Pan American*

Continued, next page

Bingo *(continued from page 30)*

Management Company, 616 R. Supp. 1200 (D. Minn. 1985). EMCI has offered no explanation for why it believes these court decisions to be erroneous, and I therefore reject this argument.

EMCI next argues that section 81 does not apply to the 1985 management agreement because the BIA had approved a lease which authorizes EMCI to construct a bingo facility and to operate a bingo enterprise on tribal land. EMCI argues that because of its lease with the Tribe, the related management agreement is not relative to Indian lands, and therefore falls outside the scope of section 81. I disagree. The fact that EMCI has an approved lease does not necessarily mean that its bingo management contract is not subject to section 81 review, especially when the management agreement was submitted to the BIA for review over four years after the approval of the business lease and contains provisions which are significantly different than those found in the 1982 lease. For example, under the management agreement, EMCI is to pay the Tribe a \$3.00 head tax per bingo player at a guaranteed minimum of \$10,000 per month, 12% of gross profits from concession sales, and a 3% sales tax of the gross profits from the concession sales. In contrast, the business lease requires EMCI to pay rent in the amount of \$12,000 per annum for the first six years, \$18,000 per annum for years six through ten, \$24,000 per annum for years 11 through 15, and \$36,000 per annum for years 16 through 20. Moreover, under the management agreement, EMCI is to operate a food, beverage, and souvenir concession. The lease only authorizes EMCI to operate a bingo operation.

Whether the 1985 management agreement is relative to Indian lands within the meaning of section 81 (and thus requires the approval of the Secretary) depends on the provisions contained within the four corners of the agreement. The 1985 management agreement gives EMCI the exclusive right to manage the bingo facility and operation on tribal land and limits the Tribe's ability to conduct other bingo games on its lands. See Articles 2 and 10. The Ninth Circuit recently reviewed two similar provisions contained in a bingo management agreement and concluded that the agreement was relative to Indian lands under the broad language of section 81. See *Barona Group of the Capitan Grande Band of Mission Indians v. American Management & Amusement, Inc.*, Slip Opinion 8-10. I find that the 1985 management agreement between EMCI and the Tribe is relative to Indian lands notwithstanding the existence of the lease, and is therefore subject to the Department's guidelines.

Furthermore, EMCI sublet to the Tribe the lands covered by the business lease (except a five-foot strip) and authorized the Tribe to operate a bingo enterprise on the subleased premises. Any further assignment of the Tribe's rights in the property and the bingo operation would have to be approved under 25 U.S.C. #415 or 25 U.S.C. #f81.

EMCI next argues that the Tribe should be estopped from receiving the "protection" of section 81, and the BIA should be estopped from disapproving the contract. Section 81 was enacted solely for the protection and benefit of Indians in their dealings with non-Indians. We therefore have no authority to apply equitable estoppel against an Indian tribe. Moreover, estoppel does not run against the government when it acts as trustee for an Indian tribe. Even if this doctrine were applicable, EMCI has failed to establish the elements of estoppel. For these reasons, EMCI's estopped arguments must fail.

EMCI asserts that the bingo management guidelines are an unconstitutional attempt to enlarge the scope of section 81. This argument ignores the congressional purpose behind the enactment of section 81 and the broad language of the statute itself. This provision vests the Secretary with the duty to protect Indians in their contractual dealings with non-Indians by determining if those contracts are in the best interests of the Indians. The Secretary's role is not merely to approve contracts as to form. The guidelines are entirely consistent with the broad purpose of section 81 and merely interpret the government's statutory duty.

EMCI argues that the application of the 1986 guidelines to the 1985 agreement is retroactive and thus unconstitutional. I do not agree that the 1986 guidelines were applied retroactively. The agreement was submitted to the BIA for review in December of 1986, and the guidelines were issued on April 7, 1986. Because unapproved contracts which fall within the scope of section 81 are null and void, the date the agreement was executed between the Tribe and EMCI is not controlling. Moreover, similar guidelines for reviewing bingo management agreements were issued on July 20, 1984, over eight months prior to the execution of the 1985 agreement. It is clear that the 1985 agreement does not comply with a number of the 1984 guidelines.

With respect to the 1986 guidelines, I find that the 1985 agreement does not comply with guidelines 4, 7, 8, 9, 10, 13, 14, 15, and 18. The agreement, which has a term of 20 years, has no provision for renegotiation of the management fee at five-year intervals as specified in guideline 4. The agreement does not specifically state that no payments have or will be made to tribal officials nor their relatives for the purpose of obtaining or influencing the contract as required by guideline 7. The agreement does not contain the residences, business addresses, occupations, dates of birth, and social

security numbers of all persons who have an interest in the agreement as required by guideline 8. The agreement does not state that no party in interest is an elected member of the tribal government or a relative of an elected member of the tribal government as required by guideline 9. The agreement does not state that no elected member of the tribal government or relative in the immediate household of an elected member of the tribal government may be an employee of the contractor or of the bingo enterprise as required by guideline 10. The agreement does not provide that an independent audit by a certified public accountant acceptable to the Tribe will be performed at least annually as required by guideline 13. The agreement does not specify the tribal official or bank account to whom the Tribe's portion of the proceeds should be paid as required by guideline 14. The agreement fails to provide that the contractor's books of account will be maintained, and its financial statements prepared, in accordance with generally accepted accounting principles as required by guideline 15. The agreement does not require the establishment of a cash management system adequate to safeguard the funds of the operation nor does it provide that the Tribe will have the right to oversee the system as required by guideline 18.

Finally, like the Anadarko Area Director, I do not believe that the parties can achieve the kind of working relationship that is essential for a commercial endeavor of this nature. The parties have been in court twice now because of their disputes over the bingo operation and it is obvious that the Tribe does not want the agreement approved. I must conclude that to approve this agreement would not be in the best interests of the Tribe.

For all the foregoing reasons, the Area Director's decision disapproving the 1985 business management agreement is affirmed. This decision is final for the Department.

Sincerely,

Ross O. Swimmer

Assistant Secretary - Indian Affairs

Scrapbook

The death of 'Bourassa the Interpreter'



(The following is from the Father Joe Murphy Archives donated to the Potawatomi Tribe. It is the obituary of Joseph Bourassa, known as "the interpreter," and ran in *The St. Mary's Times*, Nov. 2, 1877. The picture is from a drawing by George Winter labeled, "Bourassa, Indian Interpreter, 1837.")

Mr. Joseph Bourassa died after a short illness of lung fever, at the residence of his sister, Mrs. Chilson, four miles north of Rossville last Tuesday (Oct. 29) evening. Mr. Bourassa was about 67 years of age and has lived among the Indians, here on the reserve, a great many years. He was educated at Dick Johnson's College (Choctaw Academy) in Kentucky, graduating there with a finished education in the same class with the late Senator Bogey of Missouri. We believe he assisted in forming the Pottawatomie alphabet, and at one time was interpreter for the tribe and was

said to be the best one the tribe ever had.

He had in his possession a written manuscript (of which he was the author) of the History of the Pottawatomie Indians for which it is said he had refused two thousand dollars. In years gone by he was quite wealthy, but owing to his generosity and great hospitality, his wealth faded. At the time of his death, he was employed by a Chicago company, at a large salary, for the purpose of investigating land titles in and around that city, of which formerly belonged to a portion of the Pottawatomies here, and what it was said was obtained through fraud.

The old gentleman's demise was quite unexpected, as he was in town a few days before his death apparently in robust health, and telling of the sport he was having duck shooting.



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Tribal District Court Judge Jess Burris dies

As this HowNiKan was going to press we learned of the July 4th death of Jess Lee Burris, Jr., one of our Potawatomi District Court Judges.

Mr. Burris, a member of the Osage Tribe, was 36 years old. He was born in Pawhuska, Oklahoma and graduated high school there in 1969.

Jess held a master's degree in business from the University of Oklahoma and received his law degree from Oklahoma City University. He was a member of the Oklahoma Bar Association, Cleveland County Bar Association and Court of Indian Offenses. He served as district attorney for the CFR Court in Anadarko, Ok. and was an attorney in the Norman firm of Pipestem and Rice.

Mr. Burris was a member of the



Catholic Church and Pawhuska War Dance Committee.

Survivors include his wife, Joan, two sons, a step-daughter, his mother and seven brothers and sisters.

Interior

Continued from page 2

Because I have never been to Germany am I to be denied my German ancestry?

(6) Since Potawatomis are not marrying Potawatomis we have very few youngsters on the roll. As the average age of the tribal population nears the 50 mark, one has to wonder if there will be a Citizen Band Potawatomi Tribe just 40 years from now, or will it disappear in less than 200 years from the time it was officially formed?

(7) Can that be exactly what the U.S. government is hoping for?

Election

Continued from page 1

Both Young and Chairman Barrett expressed disappointment with the low turnout for the election. "If we're going to have a viable referendum government," said Barrett, "we have got to have more participation."

The annual report from the tribal administration, programs, enterprises and tribal attorney, as well as the annual audit were presented to tribal members and questions about operations answered by the Business Committee. By 6:30 p.m. the audience had run out of questions and members and administration alike crossed the street to participate in the largest pow wow ever held in the area. Council minutes and photos appear inside this issue.

Bishop

Continued from page 1

their culture, Chaput said.

"Two things happen when a culture comes in contact with Christianity," says Chaput. "First, the culture gives a gift to the gospel which enriches the Christian message; second, the gospel purifies the culture. In essence you take the best of both and incorporate them into something new - something better."

Racism in the Black Hills diocese Chaput will oversee is of great concern to him. "Racism will never completely disappear," he says, "but I hope we'll develop a program to attempt to overcome it. Racism arises out of fear and to overcome fear we must have knowledge. We must develop ways of talking to bring about growth in mutual understanding."

The largest in history!

The HowNiKan you have just finished reading is the largest ever published by the Citizen Band Potawatomi Tribe. It consumes 32 pages and contains no advertising. That is equivalent to a 64-page regular newspaper with 50 percent advertising! We hope you enjoyed it.

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